

1 **PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

2 Name JAMESON, BARRY SIMON

3 (Last) (First) (Initial)

4 Prisoner Number CDCR No. C88511

5 Institutional Address Post Office Box 8502

6 Coalinga, CA 93210-8502

JUL 12 2007  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

7 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

8 **BARRY SIMON JAMESON,**

9 (Enter the full name of plaintiff in this action)

Petitioner,

vs.

10 **JAMES A. YATES, Warden of PVSP,**

11 Respondent.

12 / / /

13 / / /

14 (Enter the full name of respondent(s) or jailor in this action)

C } 07

3160

Case No.

(To be provided by the clerk of court)

AMENDED

PETITION FOR A WRIT  
OF HABEAS CORPUS

SBA

(PR)

16 **Read Comments Carefully Before Filling In**

17 **When and Where to File**

18 You should file in the Northern District if you were convicted and sentenced in one of these  
19 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa,  
20 San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in  
21 this district if you are challenging the manner in which your sentence is being executed, such as loss of  
22 good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

23 If you are challenging your conviction or sentence and you were not convicted and sentenced in  
24 one of the above-named fifteen counties, your petition will likely be transferred to the United States  
25 District Court for the district in which the state court that convicted and sentenced you is located. If  
26 you are challenging the execution of your sentence and you are not in prison in one of these counties,  
27 your petition will likely be transferred to the district court for the district that includes the institution  
28 where you are confined. Habeas L.R. 2254-3(b).

**COMMENT REGARDING JURISDICTION**

Petitioner is in Fresno County, California. Petitioner did not file this action himself. Due to the overcrowding of California prisons and the Zero Release Policy that has been in effect for over 15 years, keeping ten thousand to twenty thousand persons in prison long after their Maximum Release Dates (which statute mandates they must be released on at the latest), Petitioner's brother Scott Jameson wrote a letter to the Honorable CLAUDIA WILKEN. He sent Petitioner a copy of the letter. The purpose of the letter was to point out the corruption in CDCR, in that they have a manifested policy of simply refusing to release persons that are mandated to be released by law. They maintain this underground policy by falsely informing courts that inquire into it that they are considering persons for parole. Considering they deny parole in over 100% of all cases in violation of the penal language that states (PC 3041) a parole date shall normally be set one-year before a persons minimum eligible parole date, and give parole dates at a rate of less than 1% a decade or more after the person should have had one, this is clearly a sham to mislead the Court.

Petitioner's brother wrote the Court a letter, as his brother and Petitioner's Maximum Release Date was 26 July 1999 and his minimum was in 1992. CDCR has informed him that regardless of these dates, he will never get out, as he is under the Zero Release Policy; even though he committed the lesser second-degree murder and is entitled to halftime/day-for-day credits on his 17-year sentence. Without judicial intervention, Petitioner will remain one of the thousands that is politically imprisoned in the "Land of the Free." He committed a serious offense in his 20's and is in his 50's. His sentence came with an early release on parole date in approximately 1992 and a Maximum Release Date (discharge date) of 1999. Nevertheless, he sits in prison with no violence ever against anyone in prison a quarter of a century later.

The Fresno Superior Court, the Fifth Appellate District and the California Supreme Court—the State Courts—refuse to address this policy of false imprisonment. Petitioner is in "prison alley"

and in this pro-prison Central Valley, which includes the Federal District Court for the Eastern District of California, Fresno Division, no one will address the Zero Release Policy and the false imprisonment on false pretenses.

The statutes at issue are both unambiguous and mandatory. They required that Petitioner's Maximum Release Date would be set by the Court and CDCR upon his arrival in CDCR. It was. When things became political in 1990, Petitioner's bargained for 17-year promised sentence was changed to Life-Without-the-Possibility-of-Parole for Petitioner and thousands of others.

Petitioner's brother Scott sent his letter to this Court along with a basic legal argument and some exhibits, as the Honorable CLAUDIA WILKEN, District Judge, is holding hearings on overcrowding in California's prisons. What is so apparent to Scott and Petitioner is, how can California's prisons not be overcrowded if CDCR has a Zero Release Policy? It is like a balloon. It just keeps getting filled up. CDCR has no intent of stopping this practice.

To both Scott and Petitioner, it is inconceivable that in the United States there are prisons that mislead persons into accepting dispositions in Court, but once they get to prison—in clear violation of the Separation of Powers doctrine—CDCR simply resentences them to Death-in-Prison. Petitioner's 17-year Base Term disappeared.

Petitioner is one of a group of persons that committed a pre-1983 offense for second-degree murder, and only has a parole window of five years. It opened in 1992 and, if he had done everything wrong and received a two-year extension, his latest discharge date was 1999. CDCR, in their desire to build their corrupt empire by using human beings as capital, ignores the fact that Petitioner did not have "Life" parole (post-1982) and feign that they have jurisdiction for life. Jurisdiction over Petitioner has expired a decade or more ago (because of earned credits).

Because of the issues in front of this Court about overcrowding in CDCR, Petitioner requests this Court retain jurisdiction and address the Zero Release Policy being imposed on thousands.

**RECEIVED**

SCOTT JAMESON  
 3503 Andy Street  
 Long Beach, CA 90805-3907  
 Ph.: 562-602-2977

JUN 13 2007  
 CLAUDIA WILKEN  
 U.S. DISTRICT JUDGE

30 May 2007

**SBA**Your Honor: **JUDGE C. WILKEN****C 07****3160**

I am writing regarding an issue I am familiar with, i.e., the overcrowding in California prisons, as I believe that someone may be looking into it in your Court. If they are not, I believe they should, regarding the issue herein, as it is unbelievable to me as a veteran and United States Citizen that tens-of-thousands of citizens in our nation that have broken the law and paid the price imposed on them by the Court long ago have been kept as political prisoners by a prison system that has a vested financial interest in keeping as many persons imprisonment -- illegal or not -- as possible. In fact, the California prison system and specifically the California Correctional Peace Officers Association or CCPOA shsould be charged with criminal racketeering under federal RICO statutes for using actual human beings for capital gains. I speak from experience, as the attached exhibits will show that my brother, who committed an offense in 1982, went to CDCR in 1984, had his Minimum Eligible Parole Date (MEPD) set at 1992 and his Maximum Release Date (MRD; if he did everything wrong and did not earn any credits) set at 26 July 1999 in 1984, is still imprisoned under the Zero Release Policy (fn. 1) 15 years passed his set MEPD and 8 years after what would have been his Maximum Release Date.

The enclosed is one example of what could be thousands. For political reasons, California Judges have rarely even wanted to admit that the Zero Release Policy exists. Nevertheless, there have been a handful of cases where it has been addressed, only to have the highly political California Supreme Court step in -- against all evidence -- and state it does not exist, because a token few have actually been released. My brother's story is reflective of thousands. A maximum MRD, pursuant to statute (Cal. Code of Regs.: (CCR), Title 15, Div. 2, § 2000(b)(64), is defined as the latest date a person can be held in confinement under the DSL (Determinate Sentencing Law enacted in 1977). The language could not be clearer or more mandatory. Yet, as shown by the enclosed, my brother is still being held.

If, due to their offense, a person is not going to have their MRD set, then California law mandates an "Extended Term Hearing" be held within 120 days pursuant to California Penal Code (PC)

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1. This "Zero Release Policy" is sometimes erroneously referred to as the "Zero Parole Policy." Although the result is the same, the word "parole" (which is defined as "early release") implies a person is not being released "early." In fact, tens-of-thousands are being told they are not going to

**Who to Name as Respondent**

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainers), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

**A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE**

1. What sentence are you challenging in this petition?

(a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

Los Angeles County Superior Court Compton

Court Location

(b) Case number, if known A626213

(c) Date and terms of sentence 1984; 17 yrs. + 5 yrs. parole.

(d) Are you now in custody serving this term? (Custody means being in jail.)

(d) Are you now in custody serving this term? (Custody means being:

parole or probation, etc.) Yes X No \_\_\_\_\_

## Where? Fresno County, California

Where? Fresno County, California

Name of institution: Washington Valley State Prison

Address: F.O. Box 8502, Coalinga, CA 93210-8502

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

2nd Degree Murder w/ deadly weapon (Cal.P.C. 187) and 1 yr. prior.

11

11

1           3. Did you have any of the following?

2           Arraignment:    Yes                   No \_\_\_\_\_

3           Preliminary Hearing:                                  Yes                   No \_\_\_\_\_

4           Motion to Suppress:                                  Yes                   No \_\_\_\_\_

5           4. How did you plead?

6           Guilty \_\_\_\_\_ Not Guilty                   Nolo Contendere \_\_\_\_\_

7           Any other plea (specify) \_\_\_\_\_ No \_\_\_\_\_

8           5. If you went to trial, what kind of trial did you have?

9           Jury                   Judge alone \_\_\_\_\_                  Judge alone on a transcript \_\_\_\_\_  
In absentia

10          6. Did you testify at your trial?                          Yes \_\_\_\_\_                  No

11          7. Did you have an attorney at the following proceedings:

12           (a)     Arraignment                                  Yes                   No \_\_\_\_\_

13           (b)     Preliminary hearing                          Yes                   No \_\_\_\_\_

14           (c)     Time of plea                                  Yes                   No \_\_\_\_\_

15           (d)     Trial    Yes                   No \_\_\_\_\_

16           (e)     Sentencing                                  Yes                   No \_\_\_\_\_

17           (f)     Appeal    Yes                   No \_\_\_\_\_

18           (g)     Other post-conviction proceeding                  Yes \_\_\_\_\_                  No

19          8. Did you appeal your conviction?                          Yes                   No \_\_\_\_\_

20           (a)     If you did, to what court(s) did you appeal?

21           Court of Appeal    Yes                   No \_\_\_\_\_

22           Year: 1984                  Result: Denied; not relevant

23           Supreme Court of California                          Yes                   No \_\_\_\_\_

24           Year: 1987                  Result: Denied; not relevant

25           Any other court    Yes \_\_\_\_\_                  No

26           Year: NA                  Result: NA

27           (b)     If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes \_\_\_\_\_ No X

2 (c) Was there an opinion? Yes \_\_\_\_\_ No X

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes \_\_\_\_\_ No X

5 If you did, give the name of the court and the result:

6 Not Applicable

7 / / /

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to  
9 this conviction in any court, state or federal? Yes X No \_\_\_\_\_

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that  
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed  
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit  
13 for an order authorizing the district court to consider this petition. You may not file a second or  
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28  
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following  
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: Los Angeles Superior Court

19 Type of Proceeding: Habeas Petition

20 Grounds raised (Be brief but specific):

21 a. Ineffective Assistance of Counsel

22 b. Failure to Suppress Evidence

23 c. Violation of Sentencing Agreement

24 d. Failure to Give Lesser Instructions

25 Result: Postcard Denial Date of Result: 03-DEC-02

26 II. Name of Court: Second Appellate District

27 Type of Proceeding: Same as above (habeas)

28 Grounds raised (Be brief but specific):

1 a. Same as "I." above.

2 b. / / /

3 c. / / /

4 d. / / /

5 Result: Postcard denial

Date of Result: 3-DEC-02

6 III. Name of Court: California Supreme Court

7 Type of Proceeding: Habeas Corpus (same as above)

8 Grounds raised (Be brief but specific):

9 a. Same as "I." above.

10 b. / / /

11 c. / / /

12 d. / / /

13 Result: Postcard Denial

Date of Result: 10OCT03

14 IV. Name of Court: US DISTRICT COURT CEN. DIST. CAL. L.A.

15 Type of Proceeding: Habeas Corpus (same as above)

16 Grounds raised (Be brief but specific):

17 a. Same as "I." above.

18 b. / / /

19 c. / / /

20 d. / / /

21 Result: Denied

Date of Result: 6MAR06

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes  No \_\_\_\_\_

24 Name and location of court: Ninth Circuit 06-55638

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?  
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2        [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5        Claim One: PETITIONER'S IMPRISONMENT IS FALSE, CRUEL AND  
6 UNUSUAL PUNISHMENT AND VIOLATES FEDERAL CONSTITUTION

7        Supporting Facts: Please see following pages.

8        / / /

9        / / /

10      / / /

11      Claim Two: None

12      / / /

13      Supporting Facts: NA

14      / / /

15      / / /

16      / / /

17      Claim Three: None

18      / / /

19      Supporting Facts: None

20      / / /

21      / / /

22      / / /

23      If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:

25      Issue was brought to Court by Petitioner's brother to  
26 The Honorable CLAUDIA WILEN in a letter and given this case  
27 number. No Court has looked at the California prison system's  
28 refusal to release inmates at the expiration of their term,  
causing overcrowding.

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 McQuillion v. Duncan, 342 F.3d 1012 (9th Cir. 2003); and

5 Brown v. Poole, 337 F.3d 1155 (2003)

6

7 Do you have an attorney for this petition? Yes \_\_\_\_\_ No X

8 If you do, give the name and address of your attorney:

9 Not applicbale.

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12

13 Executed on 30 June 2007

14

Date

Signature of Petitioner

BARRY SIMON JAMESON

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(Rev. 6/02)

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1                   I. DISCUSSION

2                   Petitioner's offense was committed in 1982. In 1982, the  
 3 parole release period was five years for Petitioner's offense.  
 4 (Cal. Code Regs. (CCR), Title 15, Div. 2 (hereafter Title 15),  
 5 § 2515. Length of Parole, subsection (d)). Petitioner was found  
 6 guilty of second-degree murder after passing on a plea bargain,  
 7 because his attorney, like other attorneys, informed him that he  
 8 would have to serve approximately eight more years in custody.  
 9 He had already served over a year. Several years ago, 15-16 years  
 10 ago, California's Department of Corrections and Rehabilitation  
 11 (CDCR) began implementing its Zero Release Policy <sup>1..</sup>. This oc-  
 12 curred because of a violation of the Separation of Powers causing  
 13 the Governor to become the Chief Executive Officer in charge of  
 14 the parole board (board) in California (Cal. Penal Code (PC) §§  
 15 3041.1 and 3041.2). These sections nullified parole for persons  
 16 convicted of murder, first or second degree. Petitioner was sen-  
 17 tenced to second-degree in 1984.

18                  The PC sections aforementioned have been abused for the  
 19 past 15-16 years in California. Once the Governors discovered  
 20 they had the authority to deny all grants of parole, that is ex-  
 21 actly what started occurring and is now guaranteed. The proof  
 22 that this is being used abusively is the fact that PC §§ 3041.1  
 23 and 3041.2 allow the Governors to review either denials or grants  
 24 of parole, and not one Governor has ever asked to review a denial  
 25 of parole. On the other hand, the only persons situated as Pet-  
 26 itioner with a second degree (lesser degree) murder in California

27                  1. This is sometimes referred to as the "Zero Parole Policy" errone-  
 28 ously. This is erroneous, because parole is early release and there is no  
early release involved. Morrisey v. Brewer, 408 U.S. 471, 477-78 (1972).

1 that have been released by the parole board since the implementa-  
 2 tion of PC §§ 3041.1 and 3041.2 are ones that did at least twice  
 3 the Matrix Guideline time for their offense and were not the ac-  
 4 tual perpetrator but an aider and abettor, or they were so ill  
 5 they were about to die after serving more than a decade longer  
 6 than the Matrix Base Term Guidelines, or they litigated the board  
 7 into a corner and rather than have a favorable ruling against the  
 8 Zero Release Policy published, CDCR released them. The total  
 9 of these persons are less than 1%; even though the applicable  
 10 Penal Code section regarding release in California using the  
 11 clear language that a person "shall normally [have] a parole re-  
 12 lease date set" one year prior to their minimum eligible parole  
 13 date. (PC § 3041) When a light switch comes on normally, it is  
 14 far more than 51% of the time. "Normal" is in the 95-99% range.  
 15 California Courts have allowed this less than 1%, and many times  
 16 less than one-half of 1%, rate to continue since the enactment of  
 17 the Penal Code allowing the Governors to void the "shall normally"  
 18 standard with the completely politically satisfying "rarely ever,  
 19 if at all" standard.

20 With Petitioner and all others similarly situated, who were  
 21 told by their attorneys and the Courts they would serve approxi-  
 22 mately 9 years on 17 years (15 years, plus 2 years of enhance-  
 23 ments), because of earned day-for-day credits, now being resen-  
 24 tenced to Death-in-Prison, not only has the violation of the  
 25 Separation of Powers been manifested in the system allowing the  
 26 Executive Branch to resentence Petitioner and others, but as this  
 27 Court is presently looking into, of course California's prisons  
 28 are overcrowded. People come in on the premise they should get

out pursuant to unambiguous statute that uses mandatory language early on parole or late upon discharge and are immediately informed by CDCR staff that they will never be released. This false imprisonment is cruel and unusual punishment in violation of the Separation of Powers, Due Process (notification) and a clear violation of the Federal Constitution.

At sentencing, pursuant to PC §§ 12 and 13, the Court told Petitioner, like his counsel did, that he was receiving a 15-year Base Term, plus two 1-year enhancements, or 17 years with a 5-year period of parole. His 17-year term was reduced pursuant to PC §§ 2931, 2933 and 2934, which allowed him day-for-day credits, although CDCR refuses to give him his already earned credits, claiming they do not count until he is suitable for parole. The problem with this scenario is that Petitioner and a select group of inmates that committed their offenses prior to 1983 have a finite 5-year period of parole, or even the lesser 3-year period of parole as set forth in PC § 3000(b)(1), because Petitioner is under the provisions of PC § 2931. He has served 24 years of actual time with approximately 23 years of earned credits, for a total of 47 years. He was sentenced to 17 years with a 3 or 5-year parole period. This means, if he was found suitable for parole's early release provisions today, parole board members are required to fix his Base Term, like the Court did (**EXHIBIT A**), "by utilizing the appropriate matrix of base terms provided in this section." (**EXHIBIT B**) Mandatory language is used. (Title 15, § 2403(a))

Mathematically—even if Petitioner had all his credits ignored by CDCR, as they have been—once CDCR does the required utilization of the appropriate Matrix Base Terms and adds the maximum

1 period of parole (3 or 5 years), he has done so much time that he  
 2 can only be discharged.

3 Persons with first or second degree murders after 1983 have  
 4 parole for the remainder of their lives; thus, jurisdiction for  
 5 such length, until they are discharged. They are not similarly  
 6 situated. This has created the problem at issue. Petitioner has  
 7 been grouped in with persons that have lifetime jurisdiction, and  
 8 CDCR refuses to acknowledge that he is in a group of thousands  
 9 that have exceeded their sentences and their maximum parole win-  
 10 dow. CDCR has lost any jurisdiction over him years ago.

11 Finally, Petitioner did not file this as a petition in this  
 12 Court. Petitioner's brother, who understood that The Honorable  
 13 CLAUDIA WILKEN, District Judge, was involved in hearings regard-  
 14 ing California's prisons being overcrowded (Petitioner's prison  
 15 is well over 200% capacity) in conjunction with two other United  
 16 States District Courts in California, felt compelled to send the  
 17 Judge a letter explaining one of the reasons California prisons  
 18 were overcrowded, i.e., regardless of statutes and regulations,  
 19 CDCR was simply refusing to parole persons under the ruse that  
 20 they were being considered for parole. Petitioner's brother  
 21 pointed out that the Court and CDCR had fixed Petitioner's Maxi-  
 22 mum Release Date (MRD) at 1999 since Petitioner's arrival in CDCR,  
 23 yet completely ignored it. When he has written to CDCR officials  
 24 about Petitioner, they refuse to even acknowledge why they are  
 25 ignoring the law. Once he wrote District Judge WILKEN, a case  
 26 number was assigned to this petition and it was sent to Petition-  
 27 er. The following are the legal arguments showing that Petitioner  
 28 is one of thousands being falsely imprisoned for money.

1                   **II. PRISON OFFICIALS ARE REFUSING TO**  
 2                   **DISCHARGE PETITIONER LONG AFTER**  
 3                   **HIS ENTIRE SENTENCE HAS EXPIRED**

4                   Second degree murder in California has sentencing options  
 5                   between 15 years and life; 15 being the minimum and life being the  
 6                   aggravated maximum. Since the enactment of California's Penal  
 7                   Code (PC) <sup>2</sup>. in 1873, California has encoded the Separation of  
 8                   Powers into §§ 12 and 13. Specifically, these two sections mand-  
 9                   ate the Court—and only the Court—both **determine** and **impose** their  
 10                  determination of what the length of a sentence will be when there  
 11                  are sentencing choices between certain lower and upper choices,  
 12                  as in 15 years to life. In fact, it is illegal under California  
 13                  law for a Court not to fix a sentence (a sentence is made up of  
 14                  two parts; a fixed term and a parole period); especially, when the  
 15                  sentence is left open between certain limits.

16                  Section 12 mandates the Court has a duty to "determine and  
 17                  impose the punishment prescribed." But § 13 is far more specific  
 18                  in its mandates, and it prohibits a sentence being left open  
 19                  between certain limits set by statute, e.g., 15 years to life for  
 20                  second degree murder (§ 190) or 3 years to 9 years for robbery  
 21                  (§ 213). The Court must choose a Base Term and set a parole term.

22                  **§ 13. Limits to punishment stated; authority**  
 23                  **to sentence within limits**

24                  PUNISHMENTS. HOW DETERMINED. Whenever in  
 25                  this Code the punishment for a crime is left  
 26                  undetermined between certain limits, the pun-  
 27                  ishment to be inflicted in a particular case  
 28                  must be determined by the court authorized to  
 29                  pass sentence within such limits as may be  
 30                  prescribed by this code. [Emphasis added.]

31                  In Petitioner's case, the choices were from 15 years to life.

32                  2. Unless otherwise stated, all references are to the Penal Code.

1 The Court, following the guidance of § 13, fixed Petitioner's  
 2 Base Term at 15 years, plus two years of enhancements or 17 years,  
 3 and the Court added a five-year parole period.<sup>3</sup>. This is a total  
 4 of 22 years maximum actual time—if no credits are issued. The  
 5 Court's choices complied with §§ 12 and 13 (see EXHIBIT A; Court's  
 6 selections). This also complies with § 1168(b), which, in its per-  
 7 tinent part, reads "the court imposing the sentence shall not fix  
 8 the term or duration of the period of imprisonment."

9 What CDCR has attempted to do is mix term-fixing with sen-  
 10 tence imposition. A "term" is not a "sentence." It takes a  
 11 term and a period of parole to equal a sentence. (See § 1170(c)  
 12 explaining parole is part of the sentence after the "term" part.)  
 13 It would look as follows:

Total Sentence Imposed is 22 years	
Term or Base Term	Parole
15 yrs. + 2 = 17 yrs.	5 yrs.

18 Respondent attempts to convince the Courts that Petitioner  
 19 received "Life." There are Life sentences in California, but the  
 20 Legislature specifically put a minimum and a maximum, and Calif-  
 21 ornia statute mandates when the sentence is left open between cer-  
 22 tain limits, only the Court must specify what the total sentence  
 23 (term + parole) is. In this case, they did.

24 Prior to the enactment of §§ 3041.1 and 3041.2 allowing the  
 25 Governors to deny all paroles (after all the Governors have never  
 26 used their statutory authority to review a "denial" of parole and

27 3. Petitioner was sentenced under § 2931, and § 3000(b)(1) uses mandatory  
 28 language and limits parole to three years maximum if a person is subject to  
 the provisions of § 2931. Therefore, 5 years parole appears incorrect.

1 have only used this power to review and reverse "grants" of par-  
 2 oles), persons regularly received parole releases under the "shall  
 3 normally" standard. Persons sentenced to "Life" sentences were  
 4 required to served a prison term of 7 calendar years prior to  
 5 being considered for parole release; yet, parole was for the re-  
 6 mainder of the persons life and prison officials retained juris-  
 7 diction until the person died or received a pardon. Petitioner's  
 8 sentence under the Determinate Sentencing Law (DSL) for second  
 9 degree murder of 15 years to life, is an increase from the DSL  
 10 5 years to 7 years option for second degree murder under the DSL.

11 Under California law, there is no presumption of aggra-  
 12 vation. Respondent attempts to convince the Courts that Petitioner  
 13 received the maximum aggravated "Life" sentence. Petitioner did  
 14 not, as Petitioner received a unique, short-lived sentence that  
 15 occurred between 1978 and 1983, with a finite term followed by a  
 16 finite period of parole. (See, e.g., § 1170(b) which, in its per-  
 17 tinent part, reads "[t]he court shall set forth on the record the  
 18 facts and reasons for imposing an upper or lower term.") Clearly,  
 19 the Court chose 17 years plus a 5-year period of parole.

20 Arriving in CDCR, prison officials immediately followed suit  
 21 and fixed his Base Term just as the Court did at 17 years. It re-  
 22 mained fixed until the entire 17 years had expired, and remains as  
 23 such today (**EXHIBIT C**). Recently, his finite 5-year parole period  
 24 has also expired also; yet, CDCR contends they are still "consi-  
 25 dering" him for parole, when that is nothing but a sham. Petiti-  
 26 oner is not the first person to use the word "sham" to define  
 27 prison officials consideration of parole release. In 1988 (review  
 28 denied 1989), in In re Monigold, 253 Cal.Rptr. 120, the California

1 Court of Appeal identified how disingenuous the concept of parole  
 2 release was in California, when the Attorney General, Respondent's  
 3 counsel, submitted an argument stating that it was essentially ir-  
 4 relevant when an inmate went to a parole release hearing, because  
 5 it was "highly improbable" they could actually obtain release.

6 Moreover, the Attorney General's claim that  
 7 an earlier release is highly improbable, ob-  
 8 jectively examined, boils down to the cynical  
 9 suggestion that our parole procedure, at least  
 10 in the initial stages is a meaningless sham.  
 We cannot lend judicial support to the notion  
 [although the Court did by not acting], even  
if it is true as a practical matter. [Emphasis  
 added.]

11 On 01 August 2006, the U.S. District Court for the Central  
 12 District of California, in Rosenkrantz v. Marshall, 444 F.Supp.2d  
 13 1063, 1081, held "the state cannot constitutionally [] have a sham  
 14 system where the judge promises the possibility of parole, but be-  
 15 cause of the nature of the crime [i.e., murder], the [parole board]  
 16 effectively deletes such from the system." After all, "[n]obody  
 17 elected the [parole board] commissioners as sentencing judges."  
 18 Id. Nevertheless, this is exactly what has happened and this has  
 19 been continuing for almost twenty years. It is much like the  
 20 child's story about the Emporer having no clothes on. Everyone  
 21 knows about it, but no one will say anything, until an innocent  
 22 child speaks the truth.

23 Here, Petitioner received a Base Term and finite parole per-  
 24 iod from the Court, as statute mandates. CDCR fixed his Maximum  
 25 Release Date or MRD (Cal. Code Regs. (CCR), Title 15, § 2000(b)(64))  
 26 at 17 years in 1999. A MRD is defined as "the latest date on which  
 27 a DSL prisoner can be released from confinement." One look at  
 28 Petitioner's MRD (**EXHIBIT C**) shows that it was set in 1984, when

1 Petitioner first arrived in prison. The reason Petitioner's MRD  
 2 was set promptly upon his arrival in CDCR is because the California  
 3 Supreme Court mandated such in In re Rodriguez, 14 Cal.3d 639  
 4 (1975), when they mandated that a primary term, which was exclusive  
 5 of the early parole release date, must be fixed promptly."  
 6 This was mandated, because the California parole board had spent  
 7 the previous 60 years using parole to extend sentences and became  
 8 so abusive that the DSL was implemented. Consequently, prison officials  
 9 were instructed to fix terms promptly and they did. In fact, looking at EXHIBIT C, the Court can see this 1999 date was  
 10 reviewed and reaffirmed year after year and decade after decade;  
 11 yet, it never occurred to CDCR that they had a legal or constitutional  
 12 duty to actually release Petitioner.  
 13

14 CDCR cannot build their empire if they have to release persons, as a balance must be maintained. With prison guards earning  
 15 100,000 dollars a year for reading magazines and newspapers  
 16 all day to kill the boredom, their union has a vested interest in  
 17 keeping as many actual human beings imprisoned long after their  
 18 sentences as possible. There is more.

19 In 1984 when Petitioner committed his offense, the law required if CDCR wanted to extend his "term" (they have no legal  
 20 authority to extend his sentence), they must review his term as  
 21 set by the Court (EXHIBIT A), and if administratively they feel  
 22 Petitioner should serve a longer term, they must notify Petitioner  
 23 within 90 days and hold a Serious Offender Hearing (SOH), now  
 24 administratively called an Extended Term Hearing (ETH), within 120  
 25 days. This provision is set forth in § 1170.2 has a title that  
 26 refers to offenses that were committed prior to 01 July 1977, but

1   § 5078(a) explains that the parole board that is presently seated  
 2   "shall exercise and perform all the powers and duties granted to,  
 3   exercised by, and imposed upon the [previous parole boards]." [Em-  
 4   phasis added.] One of their duties was to consider whether a SOH/  
 5   ETH should be held. If one is not held, it is illegal and a viol-  
 6   ation of due process and the statute of limitations to extend a  
 7   prison term 20 years later. This was the purpose of Rodriguez  
 8   that brought about the DSL, i.e., to either fix a term promptly or  
 9   hold a hearing and while allowing due process explain to a person  
 10   why they were not going to have their term fixed. The exhibits  
 11   attached hereto clearly show that prison officials chose to fix  
 12   Petitioner's term year after year at the same date.<sup>4</sup> It has re-  
 13   mained intact for 24 years, no Extended Term Hearing (see EXHIBIT  
 14   D) was held, Petitioner has now exceeded it and his entire parole  
 15   period—without considering any credits he is owed by CDCR—and  
 16   because of the Zero Release Policy, Petitioner is being kept im-  
 17   prisoned.

18   Petitioner is being subjected to a Bill of Attainder in vio-  
 19   lation of the Federal Constitution's prohibitions against such,  
 20   because of his status as a disfavored person. The Supreme Court  
 21   in Calder v. Bull, 3 Dall. 386, 388 (1798), clarified the defini-  
 22   tion of a Bill of Attainder is "authoriz[ing] manifest injustice  
 23   by positive law" and laws "stimulated by [personal] ambition, or  
 24   personal resentment, and vindictive malice." What could be more  
 25   of a Bill of Attainder than holding persons in prison years or over  
 26   a decade after the end of their sentences in America than to do so

27   4. The first page of EXHIBIT C shows the Maximum Release Date was fixed in  
 28   1984 at 10 August 1999. Petitioner was given 15 days of credits shortly there-  
     after, and all other Maximum Dates have been 26 July 1999 for 23 years.

1 solely to gain political votes by being able to point at human  
 2 beings and proclaim to the masses, "Look!! I refused to release  
 3 them and never will!!" Protection against arbitrary government  
 4 action is what the Fifth and Fourteenth Amendments were designed  
 5 to prevent. Wolff v. McDonnell, 418 U.S. 539, 558 (1972).

6 Courts violate due process guarantees when they impose un-  
 7 expected criminal penalties by construing existing laws in a manner  
 8 that the accused could not have foreseen at the time of the al-  
 9 leged criminal conduct. People v. Blakely, 96 Cal.Rpr.2d 451  
 10 (2000), citing U.S. v. Lanier, 520 U.S. 259, 266-67 (1997); Marks  
 11 v. U.S., 430 U.S. 188, 191-92 (1977); and Bouie v. City of Columbia, 378  
 12 U.S. 347, 353 (1964). It is virtually impossible to read the crimi-  
 13 nal statutes at issue, set forth herein, as well as administrative  
 14 regulations, in 1982 when the offense occurred, and conclude that  
 15 Petitioner was sentenced to die in prison. After all, he entered  
 16 CDCR in his twenties and is in his fifties without ever having  
 17 been charged with doing anything violent to anyone, despite being  
 18 attacked, jumped, shot at and all the plethora of other violent  
 19 acts he has been subjected to in prison by guards and inmates  
 20 alike.

21 CDCR correctly define Petitioner's term as a DSL Indeter-  
 22 minate Term. In other words, the sentence is finite, but because  
 23 the term fluctuates with credits or rule violations, it is inde-  
 24 terminate; thus, determinate sentence (DSL) and indeterminate  
 25 term. (See, e.g., DOM § 73010.6.16; EXHIBIT E.) The California  
 26 Supreme Court has held "[o]nce prisoner has completed his fixed  
 27 term [or Maximum Release Date], board is mandated to release him."  
 28 In re Rogers, 28 Cal.3d 429, 435 (1980).

1 It is well established that the State can create a liberty  
 2 interest protected by the Due Process clause. See Kentucky Dept.  
 3 of Corrections v. Thompson, 490 U.S. 454, 461-63 (1989). In order  
 4 to create a protected liberty interest, "[t]here must be 'objec-  
 5 tive and defined criteria' which the decisionmaker is required to  
 6 respect." Baumann v. Arizona Dept. of Corrections, 754 F.2d 841, 844 (9th  
 7 Cir. 1985), citing Connecticut Board of Pardons v. Dumschat, 452 U.S. 458, 467  
 8 (1981) (BRENNAN, J., concurring). The language of the penal and admin-  
 9 istrative statutes is mandatory and unambiguous. Petitioner's  
 10 Maximum Release Date has been given such titles as: (i) Term;  
 11 (ii) Total Term; (iii) Max Date; (iv) Maximum Eligible Parole  
 12 Date; (v) Maximum Eligible Parole Date (Lifers); (vi) Days in  
 13 Custody of the Department [clearly jurisdictional]; and last, but  
 14 not least (vii) Days Left to Serve. What could create more of a  
 15 liberty interest than the four words: DAYS LEFT TO SERVE? All  
 16 of the dates attached to these are 26 July 1999 or 17 years for  
 17 a "maximum" (prior to credit reductions). This is also exactly  
 18 what the Court fixed Petitioner's Base Term at.

19 In Santobello v. New York, 404 U.S. 257, 262-63 (1971), the  
 20 High Court held that a Court was bound by the promises made there-  
 21 in. No party has disputed that the Court fixed Petitioner's Base  
 22 Term at 17 years aggregate (**EXHIBIT A**) with a maximum 5 years of  
 23 parole. The evidence is intaglio and expressed in the "Judgment."  
 24 In Brown v. Poole, 337 F.3d 1155 (9th (Cal.) 2003), petitioner Brown found  
 25 herself subjected to the same Zero Release Policy. She petitioned  
 26 the Court complaining that in Court the prosecutor had promised  
 27 her she would only have to do 15 years for second degree murder,  
 28 with one-half off in good conduct credits, or 7½ years total.

1 Brown had already served over 17 years and had not been released,  
 2 when the Ninth Circuit held enough was enough and mandated the  
 3 Superior Court honor its promises. The Brown Court held that:

4 Plea agreements are contractual in nature  
 5 and are measured by contract law standards.  
 [Citation omitted.] [¶] The question is  
 6 whether the additional concessions are bind-  
 7 ing. Brown's due process rights conferred  
 by the federal constitution allow her to  
 enforce the terms of the plea agreement.  
 See Santobello [supra]. [Other citations  
 8 omitted.]

9 Here too the question is whether any of the promises in wri-  
 10 ting by both the Court and CDCR promising Petitioner a 17-year term  
 11 and a 5-year parole period are binding. In Brown, the prosecutor's  
 12 offer during a plea colloquy was held binding. Surely the Court's  
 13 stating on a Judgment form that they select 17 years, as required  
 14 by §§ 12 and 13, followed by CDCR doing the same for as long as  
 15 Petitioner has been in CDCR has to create a protected liberty int-  
 16 erest.

17 In McQuillion v. Duncan, 342 F.3d 1012 (9th Cir. 2003), the  
 18 Ninth Circuit found that McQuillion had served in excess of his  
 19 possible term and parole period for two first degree murders. His  
 20 term had expired in 1994, and like Petitioner, McQuillion had a  
 21 finite three-year period of parole. This means his entire sentence  
 22 (term + parole) expired in 1997. In 2003, because of the Zero Re-  
 23 lease Policy, the Attorney General's Office was arguing that he  
 24 should not be released, and basically clinging to straws. The Ninth  
 25 Circuit realized that McQuillion, like Petitioner, could never be  
 26 paroled, because mathematically he had served in excess of his sen-  
 27 tence. McQuillion was ordered immediately discharged without par-  
 28 ole, because the Court realized CDCR and the board had lost all

1 jurisdiction. Petitioner, who is entitled to his already earned  
 2 day-for-day credits under §§ 2931, 2933 and 2934 but has not been  
 3 given them, has 24 actual years and approximately 23 years of  
 4 credits to apply to his sentence. CDCR's Matrix Base Term Guide-  
 5 lines (**EXHIBIT B**) ranges from 15 years (the minimum mitigated)  
 6 to 21 years (maximum aggravated). Even if Petitioner was given  
 7 the "maximum and aggravated" (it does not actually apply to him)  
 8 Base Term—twice—he would have completed his Base Term and parole period  
 9 also. There are no guidelines that could explain why Petitioner  
 10 has 47 years of actual and earned credits towards a second degree  
 11 Matrix Guidelines (CCR, Title 15, § 2403(c)). The Matrix of Base Terms  
 12 for first degree murder (*id.* at 2403(b)) range from 25-33 years.  
 13 Petitioner has served almost twice the amount for a first degree  
 14 murder under the Zero Release Policy.

15 Published prison regulations may create a  
 16 protected interest. Olim v. Wakinekona,  
 17 [461 U.S. 238, 249-50 (1983)]. . . .  
 18 [C]ircuit courts generally have held that  
 explicit written pronouncements may create  
 a protected interest. [Citations omitted.]  
 Baumann, 754 F.2d at 844.

19 All prison regulations set forth herein have explicit lan-  
 20 guage promising Petitioner's release and on a specific date—at  
 21 the latest. At this point, Petitioner is not even addressing  
 22 the possibility of early release on parole, as like McQuillion,  
 23 it has become an impossibility. In Johnson v. Williford, 682  
 24 F.2d 868 (9th Cir. 1982), prison officials erroneously fixed  
 25 Johnson's release date over and over. He reached it and was re-  
 26 leased, until his parole officer read the paperwork and found he  
 27 was not entitled to the release date that was given him and re-

1 turned to prison. In summary, the Ninth Circuit held that a lib-  
 2 erty interest was created when prison officials started informing  
 3 him of his release date; although an erroneous one. Comparing  
 4 that to the instant case where Petitioner has been given his  
 5 Maximum Release Date in 1999 for over 20 years, Petitioner surely  
 6 must have a liberty interest, as Petitioner is better situated, in  
 7 that he has legally been allowed to leave prison since 1992. Pe-  
 8 titioner's release is clearly not premature like Johnson's. After  
 9 all, "[e]ven convicted criminals are entitled to be treated by  
 10 their government in a fair and straightforward manner." Id. at 872.

11 The general rule is that a change in a legal sentence to  
 12 increase the penalty it imposes violates the double jeopardy  
 13 clause. U.S. v. Wingender, 711 F.2d 869 (1983); see Kennedy v.  
 14 United States, 330 F.2d 26, 27-28 (9th Cir. 1964). Double jeo-  
 15 pardy clause's protection against multiple punishments prohibits  
 16 government from punishing twice or attempting a second time to  
 17 punish criminally for the same offense. [Emphasis added.] U.S.-  
 18 v. Ursery, 116 S.Ct. 2135 (1996), on remand 93 F.3d 1485. This  
 19 is exactly what has been occurring.

20 California's administrative code (CCR, Title 15, Div. 2, §  
 21 2345, "Excess Credit," states "[i]f any custody credit remains  
 22 after deducting it from the offense to which it applies, the re-  
 23 maining credits shall be deducted from the parole period." In  
 24 the instant case it nullifies any parole period. Further impri-  
 25 sonment for political gains is double jeopardy, a violation of  
 26 due process and the separation of powers, a bill of attainder, a  
 27 violation of the laws of statutory construction, and would appear  
 28 to be morally offensive when persons are literally imprisoned with

1 the sole purpose being to keep prisons overcrowded, which creates  
2 a call for more prisons, which builds the empire, forces persons  
3 to move up the CDCR ladder and on and on. A constitution that is  
4 not violated by such actions is useless.

5 **CONCLUSION**

6 For all the foregoing reasons, Petitioner requests that the  
7 contents of this petition be reviewed by The Honorable CLAUDIA  
8 WILKEN, in re the ongoing litigation regarding why California's  
9 prisons are overcrowded, as Petitioner is in a unique group of  
10 persons with a finite term and finite parole period that have long  
11 ago expired but is being held for financial reasons. The writ  
12 should issue, as the evidence is undisputed and the language of  
13 the administrative and penal statutes in support of Petitioner's  
14 contentions are mandatory and unambiguous. Petitioner has a lib-  
15 ery interest that has existed for over fifteen years in being  
16 released, he cannot be paroled, and he must be discharged.

17 01 July 2007

18 Respectfully submitted,

19 *Barry Simon Jameson*

20  
21 BARRY SIMON JAMESON  
22 Petitioner,  
23 Representing Self and  
24 Layman at Law. Under  
25 Disability of Imprisonment

26 Attachments

27 :bsj

28

# **EXHIBIT A**

256

DEPT. SC G

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

JUNE 15, 1984  
KURT J LEWIN  
N NAVARREJUDGE  
Deputy SheriffL RIVAS , Deputy Clerk  
G DONESTER , Reporter  
(Parties and counsel checked if present)A 626213  
PEOPLE OF THE STATE OF CALIFORNIA  
VS  
01 JAMESON, BARRY  
187 01CT PRIOR

Counsel for Plaintiff R Philibosian

Counsel for Defendant W Littlefield

, DISTRICT ATTY. BY  
t smith DEPUTY  
, PUBLIC DEFENDER BY  
L MCMILLAN DEPUTY

## NATURE OF PROCEEDINGS PROBATION AND SENTENCE

(Boxes checked if order applicable)

DEFENDANT'S MOTION FOR NEW TRIAL IS DENIED

COURT ADVISES DEFENDANT OF HIS APPEAL RIGHTS

PROBATION DENIED. SENTENCE AS INDICATED BELOW.

Whereas the said defendant having.....BEEN.....duly.....FOUND.....  
guilty in this court of the crime of MURDER, IN VIOLATION OF SECTION 187 OF THE  
PENAL CODE, A FELONY AS CHARGED IN COUNT I OF THE INFORMATION AND  
FURTHER FIND IT TO BE MURDER IN THE SECOND DEGREE.> COURT SELECTS FIFTEEN YEARS FOR THE BASE TERM AS TO COUNT I PLUS  
ONE YEAR PURSUANT TO PENAL CODE SECTION 12022(b) CONSECUTIVE PLUS  
ONE YEAR PURSUANT TO 667.5(b) & 1203(e)(4) PENAL CODE CONSECUTIVE.It is Therefore Ordered, Adjudged and Decreed that the said defendant be punished by Imprisonment in the  
State Prison.FIFTEEN YEARS TO LIFE, PLUS ONE YEAR PURSUANT 12022(b)  
AND ONE YEAR FOR SECTION 667.5(b) & 1203(e)(4) PENAL CODE,  
FOR A TOTAL OF 17 YEARS TO LIFE Defendant is given credit for.....441.....days in custody, includes 147 days GT/WT.It is further Ordered that the defendant be remanded into the custody of the Sheriff of the County of Los Angeles  
and delivered by him into the custody of the Director of Corrections at the California State Institution for Men at Chino, California for Women at Frontera, California

ENTERED

JUNE 15, 1984  
JOHN J CORCORAN  
COUNTY CLERK  
AND CLERK OF THE  
SUPERIOR COURT Remaining count(s) dismissed in interests of justice.  
 Bail exonerated.

jj

JUDGMENT

(5)

# **EXHIBIT B**

(62) Case 4:07-cv-03160-SBA Document 6 Filed 07/12/2007 Page 30 of 79

**COURT OF APPEALS OF REGULATIONS  
C.C.R., TITLE 15.  
DIVISION 2**

**Title 15**

**Board of Prison Terms**

(c) Matrix of Base Terms for Second Degree Murder on or after November 8, 1978.

**CIRCUMSTANCES**

<b>SECOND DEGREE MURDER</b>	<b>A. Inherent</b> Victim died of criminal related to the act and the prisoner was not directly involved by prisoner with deadly force; attack, shooting, stabbing, etc., crime partner accidentally did the killing	<b>B. Direct or Victim Contribution</b> Death was almost immediate or resulted in less partially from non-injuries (injury from the victim's action inflicted or had caused the prisoner. This does not include death resulting in defense of self or property)	<b>C. Superior Treason</b> Death resulted from severe injuries inflicted with deadly intent; e.g., beheading, stabbing, strangulation, suffocation, drowning, smothering, etc.
I. <b>Pertaining Victim or otherwise implicated in a criminal act with the prisoner during which or as a result of which the death occurred, e.g., crime partner, drug dealer, etc.</b>	15-16-17	16-17-18	17-18-19
II. <b>Prisoner Relationship</b>			
I. Victim was involved in a personal relationship with prisoner (spouse, family member, friend, etc.) which contributed to the motivation for the act resulting in death. If victim had a personal relationship but prisoner killed and/or paid a premium to commit the offense, see Category IV.	16-17-18	17-18-19	18-19-20
III. <b>No Prisoner Relationship</b> Victim had little or no personal relationship with prisoner; or motivation for act resulting in death was related to the accomplishment of another crime, e.g., death of victim during robbery, rape, or other felony.	17-18-19	18-19-20	19-20-21

**PRIOR TO CRIMINAL  
REDUCTION**

**SUGGESTED BASE TERM**

Note: Authority cited: Section 5076.2, Penal Code. Reference: Sections 3040 and 3041, Penal Code.

**HISTORY**

- Editorial correction filed 10-8-81; effective thirtieth day thereafter (Register 81, No. 41).
- Amendment of subsection (a) filed 1-20-88; operative 2-19-88 (Register 88, No. 5).

**§ 2404. Circumstances In Aggravation of the Base Term.**

- General. The panel may impose the upper base term or another term longer than the middle base term upon a finding of aggravating circumstances. Circumstances in aggravation of the base term include:

- The crime involved some factors described in the appropriate matrix in a category higher on either axis than the categories chosen as most closely related to the crime;
- The victim was particularly vulnerable;
- The prisoner had a special relationship of confidence and trust with the victim, such as that of employee-employer;
- The murderer was committed to preclude testimony of potential or actual witnesses during a trial or criminal investigation;
- The victim was intentionally killed because of his race, color, religion, nationality or country or origin.

- During the commission of the crime the prisoner had a clear opportunity to cease but instead continued;

# **EXHIBIT C**

CDC NUMBER C-88511	ALPHA ID N.E.	TERM STARTS 7-7-84	
	MAX. RELEASE DATE 8-10-99 TO BE DETERMINED	MIN. RELEASE DATE 12-26-84 MEPD: 2-7-94	MIN. ADJ. RELEASE DATE GT CR LOST/AT LARGE/BAIL 3-3-94 3-30-95
PAROLE PERIOD 05 Years			

BASE TERM 15-00 + ENHANCEMENTS 02-00-220 = TOTAL TERM 17-LIFE  
 GOOD TIME CREDITS AVAILABLE (2931 PC) (PC 230 EC 694 660 BC 481 442) = 4925 921

PRE PRISON CREDITS: CASE NO. LA A626213

<u>HEARINGS:</u>	2900.5 PC	294
RX: 04-85 Doc #2	1202.03 PC	
DOC: 12-87 12/90	2900.1 PC	
INIT: 11-93 11/94	CRC	
10-92 3/93	Mental Health	
11/92	4019 PC	147
	2931 PC	
	Post Sentence	16

2934 PC TOTAL PRE PRISON CREDITS (DAYS) 457

REGISTRATION REQUIRED PER

DATE REC'D	CO. CASE NO.	CT.	CODE & OFFENSE	TYPE WPN.	DATE OF OFFENSE	SENTENCE DATE
------------	--------------	-----	----------------	-----------	-----------------	---------------

CONTROLLING PRINCIPAL AND CONSECUTIVE (INCLUDING ENHANCEMENT) OFFENSE(S):

02-84	LA A626213	01	P187 MURDER 2nd 15-LIFE	(12-29-82)	06-15-84
	01-PPT		P12022(b) W/USE D/W		
				KNIFE	

Correction

F/G

PL 11-11-84  
F/G 11-11-84

NSE ATTORNEY: L. McMillan  
STIGATING AGENCY: Los Angeles Sheriff

NAME JAMESON	C-88511	LPU	11-11-84	RD/mlb
CDC 188C (1/81)			Ex. P.	

(4)

 <b>California Department of Corrections</b> <b>OPERATIONS MANUAL</b>	Chapter: 70000 Case Records Information
	Subchapter: 73000 Legal
	Section: 73030 Time Computations

**73030.8.7  
MAXIMUM RELEASE  
DATE**

**73030.8.8  
MINIMUM RELEASE  
DATES**

The maximum release date is calculated by adding the term ordered by the court to the term starts date and subtracting applicable preprison credits.

**ISL (crime committed prior to 7-1-77):**

- The minimum term is established by statute.
- The minimum eligible parole date (MEPD) is determined by adding the statutory minimum term of confinement or the result of computation of aggregate minimum terms to the received date and subtracting any applicable preprison credits.

**DSL (PC Section 2931, crime committed on or after 7-1-77):**

The minimum DSL (MIN DSL) release date is calculated by subtracting all applicable days of goodtime credit from the maximum release date.

- This date shall be adjusted by any credits forfeited and/or restored in the disciplinary process.

**< DSL IWTIP (PC Section 2933, crime committed on or after 1-1-83): >**

The earliest possible release date (EPRD) is determined in these steps:

- Subtract all earned worktime credit, adjusted by any loss/restoration, from the maximum release date, the result of which is the current release date.
- Subtract from the current release date the date through which credit was applied.
- Divide the remaining number of days eligible for credit based on credit earning status.
- Subtract the resulting number of days from the current release date. That date is the EPRD.

An EPRD is a projected date contingent upon the inmate remaining in the same credit earning work group, having no unexcused absences and no forfeited or restored credit.

VESTED CREDITSPURSUANT TO PC 2934

A 1. Date Signed Waiver  
 2. Date Received CDC-on controlling term  
 3. Days served to Date  
 4. Days Post Sentence Credit  
 5. Total Days Served to Date

75-10-30  
- 84-7-2  
= 475  
+ 16  
= 501

B 1. Credits to be Vested Pursuant to PC 2934 (A 5 ÷ 2) (Reduce fraction to lower whole number)  
 C 1. Date Received CDC-on controlling term  
 2. Term  
 3. Pre-Sentence Credits  
 4. Minus B 1  
 5. Max Date  
 6. Credits Lost Per PC 2932  
 7. Max Date

= 250  
= 84-7-2  
+ 17-0-0  
= 2001-7-2  
= 457  
= 2000-4-1  
- 250  
= 99-7-26  
= 15  
= 99-8-10  
= 85-10-30

D 1. Date Signed Waiver  
 2. No. of Days Left to Serve Pursuant to PC 2933  
 3. Divide Line 3 by 2 (Reduce fraction to lower whole number)  
 4. Earliest Possible Release Date Subtract Line 3 from Line C7

= 5032  
= 2514  
= 92-9-19

E 1. Parole Referral Date  
 9 months prior to D4  
 ✓ Die Fazio, CCRS  
 Correctional Case Records Staff, Title

2-3-88  
 DATE

CDC 0885011

NAME John Jones

INSTITUTION SPC

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS  
RECEIVED PRIOR TO 5-27-87  
PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224  
NO DSL TERM OR DSL TERM COMPLETED

## A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit)	= <u>501</u>
2. A1 ÷ 2 (round down)	= <u>250</u> ✓
3. Less credits lost per PC2932	- <u>15</u>
4. Credits to be vested	= <u>235</u>

---

## B. MAXIMUM ELIGIBLE PAROLE DATE

1. <u>84-7-2</u> + <u>1765</u>	= <u>2001-7-2</u> RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preconfinement credit	- <u>457</u>
3. Less A4 OR vest 1/2 postsentence credit	- <u>235</u>
4. MAXIMUM ELIGIBLE PAROLE DATE	= <u>99.8.10</u>

## C. WORKTIME CREDIT PER PC2933/PC2934

1. Less <del>MEI</del> worktime credit earned from waiver/ received date through 2-15-89 or end of DSL term if later	- <u>1065</u> ✓
2. Current MEPD (cannot exceed B4)	= <u>96.9.9</u>

## D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later)	- <u>84-2-15</u>
2. Days left to serve	= <u>2763</u>
3. Divide by 3 (round up)	= <u>921</u>
4. PC Balance (D3 ÷ 4)	= <u>230</u>
5. BC Balance (D4 × .3)	= <u>691</u>

---

## E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1	+ <u>PC</u>	<u>BC</u>
2. Subtract restorations for credit losses in E1	- <u>PC</u>	<u>BC</u>
3. New PC/BC Balance	PC = <u>230</u>	BC = <u>691</u>
4. Add any 7 or 9 year MEPD CS Life term(s)	+ <u>0</u>	

## F. ADJUSTED MEPD (E + E1 - E2 + E4)

94.3.3G. INITIAL PAROLE CONSIDERATION HEARING  
(13 months prior to F)2/93  
month/yearH. NEXT DOCUMENTATION HEARING # 212/90  
month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In-Re Monigold and you have been granted 1065 days worktime credit from 1030 85 through 2-15-89/the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 94.3.3. Your initial life parole consideration hearing will be scheduled during the month of 2/93 first available calendar (circle one).

Susan Cels  
CASE RECORDS STAFF10/23/89  
DATEC 88511GarrisonCP

RECALCULATION OF MEPD FOR 1988  
RECEIVED PRIOR TO 5-27  
PURSUANT TO RE MONIGOLD (1988) 205 C.M.A. APP. 3d 1224  
NO DSL TERM OR DSL TERM COMPLETED

To: BECKY DARDEN  
916-324-1345

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)	
1. Total days served prior to waiver date (Waiver date - received date + postsentence credit)	- 501
2. A1 + 2 (round down)	- 250
3. Less credits lost per PC2932	- 0
4. Credits to be vested	- 250
 B. MAXIMUM ELIGIBLE PAROLE DATE	
1. <u>7-2-89</u> + <u>17</u>	- 7-2-2001
RECEIVED DATE                    TOTAL TERM	BASE DATE
2. Less total preconfinement credit	- 957
3. Less A4 OR vest 1/2 postsentence credit	- 250
4. MAXIMUM ELIGIBLE PAROLE DATE	- 7-26-1999
 C. WORKTIME CREDIT PER PC2933/PC2934	
1. Less NEI worktime credit earned from waiver/received date through 2-15-89 or end of DSL term if later	- 1176
2. Current MEPD (cannot exceed B4)	- 5-6-96
 D. GOOD TIME CREDIT PER PC2931	
1. Date credit applied through (2-15-89 or date DSL term ends if later)	- 2-15-89
2. Days left to serve	- 2637
3. Divide by 3 (round up)	- 879
4. PC Balance (D3 ÷ 4)	- 220
5. BC Balance (D4 x 3)	- 660
 E. RECALCULATED MEPD (C2 - D3)	- 12-9-98
1. Add credits lost for CDC 115's after D1	+ PC      BC 60
2. Subtract restorations for credit losses in E1	- PC      BC
3. New PC/BC Balance	PC-220 BC-600
4. Add any 1 or 5 year MEPD CS Life term(s)	+ 2-7-94
 F. ADJUSTED MEPD (E + E1 - E2 + E4)	- 2-7-94
 G. INITIAL PAROLE CONSIDERATION HEARING (13 months prior to F)	- 1-93
 H. NEXT DOCUMENTATION HEARING	- 12-90
	month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted \_\_\_\_\_ days worktime credit from \_\_\_\_\_ through 2-15-89/the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is \_\_\_\_\_. Your initial life parole consideration hearing will be scheduled during the month of \_\_\_\_\_/first available calendar (circle one).

O'Conor LCRS

10-15-90

CASE RECORDS STAFF

DATE

088511

Jameson, Barry

Rid

NUMBER

NAME

INSTITUTION

5/89

FORM A - SIDE 1

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1.	<u>1-9-85</u>	<u>*</u>	<u>+ 15</u>	<u>- 1-9-2000</u>
	RECEIVED DATE		TOTAL TERM	BASE DATE
2.	<u>- Less total preconfinement credit</u>			<u>0</u>
3.	<u>MAXIMUM ELIGIBLE PAROLE DATE</u>			<u>1-9-2000</u>

B. GOOD TIME CREDIT

1.	Received date or 7-1-77 whichever is later	<u>- 1-9-85</u>
2.	Days in custody of department	<u>- 5478</u>
3.	Postsentence	<u>+ 0</u>
4.	Days in custody on which GTC may be earned	<u>- 5478</u>
5.	<u>÷ 3 = GOOD TIME CREDIT</u>	<u>- 1826</u>

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

COMMENTS: \* Term starts to life  
from & to 00:00

1-26-86 61 BC - Restored 11-5-87	5-30-95
9-2-86 00 BC - Restored (50) 11-5-87	
12-12-87 61 BC -	
6-20-88 30 BC	Int: 4/94

Computed by C Blazkensky 8/22/89  
Case Records Spcl. date

Audited by \_\_\_\_\_  
Case Records \_\_\_\_\_ date

NAME  
Damason

NUMBER  
C-88511

INSTITUTION  
OSP/KOL DATE  
8-22-7

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS  
 RECEIVED PRIOR TO 5-27-87  
 PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224  
 NO DSL TERM OR DSL TERM COMPLETED

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit) = 501
2. A1 ÷ 2 (round down) = 250
3. Less credits lost per PC2932 = 0
4. Credits to be vested = 250

---

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-2-84 + 17 = 7-2-2001  
 RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preconfinement credit = 459
3. Less A4 OR vest 1/2 postsentence credit = 250
4. MAXIMUM ELIGIBLE PAROLE DATE = 7-26-99

---

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less NEI worktime credit earned from waiver/received date through 2-15-89 or end of DSL term if later = 1176 ✓
2. Current MEPD (cannot exceed B4) = 5-6-96

---

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) = 2-15-89
2. Days left to serve = 2431
3. Divide by 3 (round up) = 810 = 879
4. PC Balance (D3 ÷ 4) = 219
5. BC Balance (D4 x .3) = 660

---

E. RECALCULATED MEPD (C2 + D3)

1. Add credits lost for CDC 115's after D1 + PC BC
2. Subtract restorations for credit losses in E1 - PC BC
3. New PC/BC Balance PC-219 BC-660
4. Add any 7 or 9 year MEPD CS Life term(s) + 12-9-93

---

F. ADJUSTED MEPD (E + E1 - E2 + E4) = 12-9-93

---

G. INITIAL PAROLE CONSIDERATION HEARING (13 months prior to F) = 11/92  
 month/year

---

H. NEXT DOCUMENTATION HEARING # 2 = 2/90  
 month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 1176 days worktime credit from 10-30-85 through 2-15-89 the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 12-9-93. Your initial life parole consideration hearing will be scheduled during the month of 11/92 first available calendar (circle one).

V. Raso

CASE RECORDS STAFF

7-14-90

DATE

288511  
 NUMBER

Jameson  
 NAME

Off  
 SIGNATURE

VESTED CREDITSPURSUANT TO PC 2934

A	1. Date Signed Waiver	<u>10-30-85</u>
	2. Date Received CDC - on Controlling Term	<u>- 7-2-84</u>
	3. Days Served to Date	<u>= 485</u>
	4. Days Post Sentence Credit	<u>+ 16</u>
	5. Total Days Served to Date	<u>= 501</u>
B	1. Credits to be Vested Pursuant to PC 2934 (A 5 ÷ 2) (Reduce fraction to lower whole number)	<u>= 250</u>
C	1. Date Received CDC - on Controlling Term	<u>7-2-84</u>
	2. Term	<u>+ 17 yrs</u>
	3. Pre-Sentence Credits	<u>= 7-2-2001</u>
	4. Minus B 1	<u>- 457</u>
	5. Max Date	<u>= 4-1-2000</u>
	6. Credits Lost per PC 2932	<u>= 250</u>
	7. Adjusted Max Date	<u>= 7-26-1999</u>
D	1. Date Signed Waiver	<u>+ 15</u>
	2. No. of Days Left to Serve Pursuant to PC 2934	<u>= 8-10-1999</u>
	3. Divide line 2 by 2 (Reduce Fraction to Lower Whole Number)	
	4. Earliest Possible Release Date Subtract Line 3 From Line C 7	

Correctional Case Records Staff

CDC c88S11 NAME JAMESON INSTITUTION FOLSOM

THESE TERM FIXING FORMS THAT  
ARE ENCLOSED ARE ADDED TO SHOW  
THAT IT WAS NOT A CLERICAL  
ERROR AND THAT OTHERS SIMILARLY  
SITUATED FROM DIFFERENT PRISONS  
THROUGHOUT CDC ALSO RECEIVED SUCH  
DATES, AS IT WAS MANDATED PER THE  
LAW AND CDC POLICY AND PROCEDURE

TIME CREDIT WAIVER  
(2934PC)

I, James Mac Donald, having been committed for an offense which occurred prior to January 1, 1983, understand that conduct credit is granted to me pursuant to Section 2931 of the Penal Code. I am aware that pursuant to Section 2931 of the Penal Code my term shall be reduced by one-third for good behavior and participation.

I hereby waive my rights to the provisions of Section 2931 of the Penal Code. By making the voluntary waiver, I request that future Time Credit be granted pursuant to Section 2933 of the Penal Code.

I am aware and understand that Time Credit will be granted, based upon the work group to which I am assigned as follows:

Work Group A: For each six months full-time assignment, six months credit, or one day credit for each day assigned for a lesser period.

Work Group B: For each six months of one-half day assignment or enrollment in a two or four year college program leading to a degree, three months credit, or one day credit for each two days assigned for a lesser period.

Work Group C: For each six months on a waiting list, three months credit or one day for each two days on a waiting list for lesser period.

Work Group D: Zero credit will be earned if I refuse a full time assignment.

Work Group E: When I am in lockup status due to a disciplinary infraction zero credit will be earned for a period equal to the number of days of any credit loss, which may be extended in six month increments thereafter.

I am also aware that my work group may be changed, by the Department, due to my behavior and/or work performance. This waiver will be effective only when accepted by the Department. I am also aware that this waiver is irrevocable.

This waiver is accepted by  
the Department and is  
effective 5-2-85

Signed: James Mac Donald  
Number: JC-24488

Witnessed:

Wm. Stenich Chay

Title COLLECTIONS COORD.

Date 5-2-85

RECORDS OFFICE  
FOLSOM STATE PRISON

MAY 08 1985

WAIVER

Date: 5-2-85

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## LEGAL STATUS

CDC NUMBER	ALPHA ID	NAME	TERM STARTS	ETHNIC
C-52135		BURNHAM, Kenneth W.	08-19-82	White
MAX. RELEASE DATE		MIN. RELEASE DATE	MIN. ADJ. RELEASE DATE GT CR LOST/AT LARGE/BAIL	PAROLE PERIOD
01-22-96		07-29-91		05 years

BASE TERM 15-00 + ENHANCEMENTS 00-00 = TOTAL TERM 15-00GOOD TIME CREDITS AVAILABLE (2931 PC) (PC 410 BC 1228) = 1638PRE PRISON CREDITS: CASE NO. SJ 326422900.5 PC 378

1202.03 PC

2900.1 PC

CRC

Mental Health

4019 PC 189

2931 PC

Post Sentence 08TOTAL PRE PRISON CREDITS (DAYS) 575

REGISTRATION REQUIRED PER \_\_\_\_\_

DATE REC'D	CO. CASE NO.	CT.	CODE & OFFENSE	TYPE WPN.	DATE OF OFFENSE	SENTENCE DATE
------------	--------------	-----	----------------	-----------	-----------------	---------------

CONTROLLING PRINCIPAL AND CONSECUTIVE (INCLUDING ENHANCEMENT) OFFENSE(S):

08-19-82 SJ 32642 01 P187 MURDER 2nd Knife 06-24-81 08-10-82  
15 - Life

NON-CONTROLLING OFFENSE(S):

08-19-82 SJ 32642 02 P487.3 GT PERSON 06-24-81 07-29-82

INITIAL COPY

DEFENSE ATTORNEY: William Johnson

INVESTIGATING AGENCY: San Joaquin Sheriff's Office

NAME BURNHAM

C-52135 LPU 10-22-82

MR:neg

Page 2

CDC 188C (1/81)

Ex-  
R.

(2)

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

## A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 8-19-82 + 15 yrs = 8-19-97  
RECEIVED DATE                    TOTAL TERM                    BASE DATE

2. Less total preconfinement credit - 575  
3. MAXIMUM ELIGIBLE PAROLE DATE = 1-22-96

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 8-19-82  
2. Days in custody of department = 4904  
3. Postsentence + 8  
3.2 Minus enhancement - 0  
4. Days in custody on which GTC may be earned = 4912  
5. ÷ 3 = GOOD TIME CREDIT = 1638

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 7-29-91

COMMENTS:

=====

Computed by M. King 10-5-82  
Case Records Spec. date

Audited by \_\_\_\_\_  
Case Records \_\_\_\_\_ date

INMATE COPY

Ex. P.

NAME	NUMBER	INSTITUTION	DATE
Burnham, Kenneth W.	C-52135	LPU	10-5-82
CDC 6792L (Rev 12/81)			

## CDC CLASSIFICATION SCORE SHEET

RACE/ETHNIC STATUS (code one): 1-White 6-Japanese 2-Mexican descent 7-Filipino 3-Black 8-Hawaiian 4-Indian 9-Other 5-Chinese	DATE LAST RECEIVED CDC: DD MM YYYY 23 08 19 82	COUNTY: 5 J O A Q	BASE OFFENSE: Murder 2 ND (name)
BASE OFFENSE CODE: NUMBER: P - 1 8 7	MINIMUM RELEASE DATE: DD MM YYYY 15 16 17 18 19 40 41 42 43 44 45 46 47	STATUS (code one): 1-New Commitment 2-PV-WNT 3-PV-RIC	RECEPTION CENTER: RCC HRC CRC CCC RCW SQ CIV 49 50 51

## CALCULATION OF SCORE

BACKGROUND FACTORS	
1. Total DSL Term	<u>15</u>
a) Sentence length	<u>14</u> x 4 = <u>56</u> 52
b) Minus 1 year	
2. Stability	
a) Under 26 yrs. at reception	+2 = <u>2</u> 54
b) Never married/common law or marriage not intact	+2 = <u>2</u> 55
c) Not high school graduate or GED	+2 = <u>0</u> 56
d) Not more than 6 months with one employer	+2 = <u>3</u> 57
e) No military or not honorable discharge	+2 = <u>0</u> 58
3. Prior Escapes	
a) # walkaways/escapes	<u>0</u> x 4 = <u>0</u> 59
b) # breached perimeter or escape in committing crime	<u>0</u> x 8 = <u>0</u> 60
c) # escapes with force	<u>0</u> x 16 = <u>0</u> 61
4. Holds and Detainers	
a) # holds where new prison sentence, deportation likely	<u>0</u> x 8 = <u>0</u> 62
5. Prior Sentences Served	
a) # jail or county juvenile of 31+ days (limit to 3)	<u>0</u> x 2 = <u>0</u> 63
b) # CYA, state level juvenile (limit to 3)	<u>0</u> x 2 = <u>0</u> 64
c) # CDC, CRC, adult state-federal level (limit to 3)	<u>0</u> x 4 = <u>0</u> 65
6) Total Background Factors Score	<u>60</u> 73
Work Skills	<u> </u> 73

Counselor's signature: B. A. HallSupervisor's Signature: Graham Dec 8-88-82

## CLASSIFICATION STAFF REPRESENTATIVE ACTION

Instruction Approved: Case: SQ - - -CSR Last Name: KEARNSI.I. DExceptional Placement \*  Date of Action: 08 30 82

\*Explain Exceptional Placement:

INMATE COPY

CDC NUMBER: (end in Col. 6) INMATE'S LAST NAME: (start in Col. 7)

INITIALS: KW YEAR OF BIRTH: 51151717-BURNHAM151

(23)

STATE OF CALIFORNIA  
EDIT/TERM COMPUTATION

## MAXIMUM DSL DATE

1.	<u>5-1-6-10</u>	+	<u>17</u>	-	<u>98-6-10</u>
	RECEIVED DATE		TOTAL TERM		BASE DATE
2.				-	<u>112</u>
3.				-	<u>2-18-98</u>

## GOOD TIME CREDIT

1.	Received date or 7-1-77 whichever is later	-	<u>6-10-81</u>
2.	Days in custody of department	=	<u>6-10-81</u>
3.	Postsentence	+	<u>6</u>
4.	Days in custody on which GTC may be earned	=	<u>6103</u>
5.	$\div 3 =$ GOOD TIME CREDIT	=	<u>2035</u>

## MINIMUM DSL RELEASE DATE (A-3 minus B-5)

MENTS:	<u>115's : 12-25-82 WCL 15</u>	<u>+ 25</u>
	<u>8-18-82 WCL 10</u>	<u>8-18-92</u>
	<u>2-27-83 WCL 90</u>	
	<u>6-5-90 WCR 90</u>	

Entered by \_\_\_\_\_ Case Records \_\_\_\_\_ date \_\_\_\_\_

Edited by \_\_\_\_\_ Case Records \_\_\_\_\_ date \_\_\_\_\_

NAME RICHARD SHEETS NUMBER C31700 INSTITUTION DATE

Ex. P.

A. DSL TERM

1. TERM STV DATE 12-3-87
- (Effective Date)
2. PLUS DSL TERM + 3
- EQUALS BASE DATE P.S. 12-3-90
3. MINUS PRECONFINEMENT CREDIT 133 + 64 + 15 + 7 = 221  
(Preconfinement + Preincarceration + Postincarceration)
4. EQUALS MAX DSL = 4-26-90
5. MINUS VESTED CREDIT 1/2 Performance credit = 4-26-90
6. ADJUSTED MAX DSL = 4-26-90
7. MINUS NET CREDIT EARNED  
Net Credit = Credit Earned - Credit Loss + Credit Restored  
(If credit loss is greater than credit earned use negative credit worksheet) = 402
8. CURRENT RELEASE DATE ON DSL TERM = 3-20-89
9. MINUS DATE CREDIT APPLIED THROUGH = 2-28-89
10. DAYS LEFT TO SERVE = 20
11. DIVIDE DAYS TO SERVE BY CURRENT WORK GROUP  
(A=143, B=133, D=13, U=3, Round down) = 10
12. CURRENT RELEASE DATE ON DSL TERM (A-8) = 3-20-89
13. MINUS (A-11) = 10
14. PROJECTED EARLIEST DATE DSL TERM COULD END AND  
15/25-LIFE OR 7/9-LIFE TERM BEGINS = 3-10-89

B. CALCULATION FOR LIFE SENTENCE WITH 7/9 OR 15/25 YEAR MEPD

1. LIFE TERM START DATE (A-14) 3-10-89
2. PLUS LIFE TERM (15/25 OR 7/9 YRS) + 15
3. PROJECTED MAX ELIGIBLE PAROLE DATE  
(STOP HERE FOR 7/9 YEARS TO LIFE CALCULATION) = 3-10-2004
4. MINUS LIFE TERM START DATE (A-14) = 3-10-89
5. DAYS IN CUSTODY ON WHICH GTC MAY BE EARNED = 5479
6. DIVIDE B-5 BY 3 EQUALS GOOD TIME CREDIT (round up) = 1827
7. PROJECTED MAX ELIGIBLE PAROLE DATE (B-3) = 3-10-2004
8. MINUS GOOD TIME CREDITS (B-6) = 1827
9. EQUALS MINIMUM ELIGIBLE PAROLE DATE (MEPD) = 3-10-99

C. PC/BC CALCULATION(PC/BC Calculation applicable only for 15/25Yrs)1. B-6 DIVIDED BY 4 -PC 1457

DOC:

2. C-1 MULTIPLIED BY 3

-BC 1370

INITIAL:

2198

D71983 Gonzales, E Smes INSTITUTION 4/14/91 Smalley  
 CDC NUMBER NAME INSTITUTION DATE COR SPECIALIST

2/8/93

Total Term: 15 Yrs. to Life plus 3 years.

You were received 12-3-87 with a term of (DSL only) 3 years. The term added to the received date is 12-3-90. From this date, presentence credits of 199 days granted by the court and postsentence credits of 15 days administratively granted are deducted. Your Maximum Release Date is 5-3-90.

One-half ( $\frac{1}{2}$ ) of the post sentence credits of 15 days (7) is deducted from your Maximum Release Date (5-3-90) to arrive at your Maximum Adjusted Release Date of 4-26-90.

You have earned 402 credits from your Waiver date of 12-3-87 through 2-28-89. You have lost 0 days through disciplinaries. You have been restored 0 days credit by the Classification Committee. The net total credit to be applied to your Maximum Adjusted Release Date is 402.

Attached is a calculation form showing that your Maximum Adjusted Release Date less your net credit leaves a current Release Date of 3-20-89. From this point we are projecting your Earliest Possible Release Date. All credit has been applied through 2-28-89. From 2-28-89 to your current Release Date of 3-20-89, there are 20 days. You are earning credit based on work group A1. (One day earned for one day worked.) Therefore, you will have to serve  $\frac{1}{2}$  of these days prior to being released. One-half ( $\frac{1}{2}$ ) of these days is 20. Ten days subtracted from your Current Release Date of 3-20-89 leaves an Earliest Possible Release Date of 3-10-89. Life term began 3-10-89.

To calculate life term calculation:

To your earliest possible release date 3-10-89 add the 15 years of the life term to reach your base date. Subtract total preconfinement credit (0) to obtain maximum eligible parole date 3-10-2004.

Good time credit is calculated by taking your Life Term start date 3-10-89, subtracting from the minimum eligible parole date 3-10-2004, to get days in custody of department 5479, minus post sentence credit 0, this is the days in custody on which good time credit may be earned 5479. Divide these days by 3 gives you your good time credit 1827. Take your maximum eligible parole date 3-10-2004, minus the good time credit 1827, will give you the minimum eligible parole date 3-10-99.

See attached computation worksheets.

J. Okamoto  
JOANNE OKAMOTO  
10-3-91  
Correctional Case Record Specialist

Gonzales Edward D71983

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

## A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 7-5-90 + 17 years = 7-5-2007  
RECEIVED DATE                    TOTAL TERM                    BASE DATE

2. Less total preconfinement credit - 1230

3. MAXIMUM ELIGIBLE PAROLE DATE = 2-21-2004

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 7-5-90

2. Days in custody of department = 4979

3. Postsentence + 4

4. Days in custody on which GTC may be earned = 4988

5. ÷ 3 = GOOD TIME CREDIT = 1662 1/3

## C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

COMMENTS:

FC 415BC 1247Initial 7/98

=====

Computed by K REED/C      4-30-92      date  
Case Records SAC      date      7/93

Audited by \_\_\_\_\_  
Case Records \_\_\_\_\_ date

NAME SEPOLVEDANUMBER E601053INSTITUTION CDC

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

1. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 11-23-94 + 15 = 11-23-2009,  
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit = 701

3. MAXIMUM ELIGIBLE PAROLE DATE = 12-23-2007

4. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 11-23-94

2. Days in custody of department = 4778

3. Postsentence + 14

4. Days in custody on which GTC may be earned = 4792

5. ÷ 3 = GOOD TIME CREDIT = 1598

6. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 8-8-2003

COMMENTS: PC 400 BC 1198 + 90 = 11-6-2003

- 90 + 120 = 12-25-2004

- 1108 + 120 = 12-25-2004

- 12-2 + 120 = 12-25-2004

- 988 + 120 = 12-25-2004

=====

Computed by T. A. Atchison 12-25-04  
Case Records Socialist date 7-6-95

Audited by \_\_\_\_\_ Case Records \_\_\_\_\_ date \_\_\_\_\_

=====

NAME	NUMBER	INSTITUTION	DATE
Wilson, Timothy	I-41686	ABSP	12-8-95
DOC 679aL (Rev 12/81)			7-6-95

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS) 15 yrs

i. <u>11-23-94</u>	+	<u>20 yrs.</u>	=	<u>11-23-2014</u>
RECEIVED DATE	TOTAL TERM		BASE DATE	<u>7-01</u>

2. Less total preconfinement credit

3. MAXIMUM ELIGIBLE PAROLE DATE

<u>12-22-2003</u>
<u>12-23-2007</u>

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later

11-23-942. Days in custody of department = 6684 47783. Postsentence + 144. Days in custody on which GTC may be earned = 6698 47925. ^ 3 = GOOD TIME CREDIT (Round up) = 2206 1598

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

12-8-20068-8-2003 Q 2-15-95

## COMMENTS:

Doc#1 11/97Unit: 7/2002Computed by P. Heddy  
Case Records1-5-95

date

Audited by \_\_\_\_\_  
Case Records \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME

Wilson Timothy

NUMBER

841686

INSTITUTION

SQRC

DATE

1-5-95

STATE OF CALIFORNIA  
EDIT/TERM COMPUTATION

MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1.	<u>11-23-94</u>	+	<u>15</u>	=	<u>11-23-2009</u>
	RECEIVED DATE		TOTAL TERM		BASE DATE
701 + 7					
2.	Less total preconfinement credit (Plus 1/2 Post-sentence Credits)			-	<u>708</u>
3.	MAXIMUM ELIGIBLE PAROLE DATE			=	<u>12-16-2007</u>

GOOD TIME CREDIT

1.	Received date or 7-1-77 whichever is later	-	<u>11-23-94</u>	
2.	Days in custody of department	=	<u>4771</u>	
3.	Days in Custody on which GTC may be earned	=	<u>1591</u>	
4.	<u>3</u> = GOOD TIME CREDIT (ROUND UP)	=	<u>1591</u>	
MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-4)			=	<u>8-8-2003</u>
<u>Pc: 398      BC: 1193</u>			=	<u>12-6-2003</u>
<u>-120</u>			=	
<u>-1245</u>			=	

Computed by P.M. Atlettaw  
Case Records Specialist

9-26-96  
Date

NAME	NUMBER	INSTITUTION	DATE
Wilson, Timothy	3-41686	PBSF	9-26-96

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS  
 RECEIVED PRIOR TO 5-27-87  
 PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224  
 NO DSL TERM OR DSL TERM COMPLETED

*Waiver 5-2-85*

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)			
1.	Total days served prior to waiver date (Waiver date - received date + postsentenced credit)	=	1596
-2.	A1 + 2 (round down)	=	998
3.	Less credits lost per PC2932	=	15
4.	Credits to be vested	=	983
<hr/>			
B. MAXIMUM ELIGIBLE PAROLE DATE			
1.	<u>80-12-28</u> + <u>17-0-0</u>	=	<u>97-12-28</u>
	RECEIVED DATE      TOTAL TERM		BASE DATE
2.	Less total preconfinement credit	=	242
3.	Less A4 OR vest 1/2 postsentence credit	=	983
4.	MAXIMUM ELIGIBLE PAROLE DATE	=	95-3-7
<hr/>			
C. WORKTIME CREDIT PER PC2933/PC2934			
1.	Less NET worktime credit earned from waiver/received date through 2-15-89 or end of DSL term if later	=	894
2.	Current MEPD (cannot exceed B4)	=	92-9-20
<hr/>			
D. GOOD TIME CREDIT PER PC2931			
1.	Date credit applied through (2-15-89 or date DSL term ends if later)	=	89-2-15
2.	Days left to serve	=	1213
3.	Divide by 3 (round up)	=	438
4.	PC Balance (D3 + 4)	=	109
5.	BC Balance (D4 x 3)	=	329
<hr/>			
E. RECALCULATED MEPD (C2 - D3)			= 91-9-10
1.	Add credits lost for CDC 115's after D1	+ PC	BC 90
2.	Subtract restorations for credit losses in E1	- PC	BC
3.	New PC/BC Balance	PC=	BC=
4.	Add any 7 or 9 year MEPD CS Life term(s)	+	<u>10-8-91</u>
F. ADJUSTED MEPD (E + E1 - E2 + E4)			= 91-9-10
<hr/>			
G. INITIAL PAROLE CONSIDERATION HEARING (13 months prior to F)			= <u>6/90</u> , 9/90
H. NEXT DOCUMENTATION HEARING #		=	MONTH/YEAR
<hr/>			

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 894 days worktime credit from 5-2-85 through 2-15-89/the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 91-9-10. Your initial life parole consideration hearing will be scheduled during the month of 6/90 /first available calendar (circle one).

*Verna Ruth Young, CCRS*  
CASE RECORDS STAFF

*8-25-89*  
DATE

*CSP-C*

*C24488*  
NINMDP

*MacDonald*

**DRAFT**

MEPD CALCULATI FOR LIFERS WITH CONSECUTI DSL TERMS RECEIVED AFT  
2-15-1989 OR NOT AFFECTED BY IN RE MONIGOLD

**A. DSL TERM**

1. TERM START DATE  
(Receive Date) Ree DDDs  
not written as:  
as 9-16-94  
5-19-94
2. PLUS DSL TERM  
+ 3  
= 5-19-94
3. MINUS PRECONFINEMENT CREDIT  
(Preconfinement = Presentence + Postsentence)  
Note: DSL  
Term should  
be update if  
Started toward  
present to 12-11-94  
- 784  
= 3-27-95
4. EQUALS MAX DSL  
- 3  
= 3-24-95
5. MINUS VESTED CREDIT  
(1/2 Postsentence credit)  
- 9  
= 5-19-94
6. ADJUSTED MAX DSL  
- 309  
= 103
7. MINUS NET CREDIT EARNED  
(Net Credit = Credit Earned - Credit Loss + Credit Restored)  
(If credit loss is greater than credit earned use negative credit worksheet)  
= 3-24-95
8. CURRENT RELEASE DATE ON DSL TERM  
- 103  
= 103
9. MINUS DATE CREDIT APPLIED THROUGH  
- 12-11-94
10. DAYS LEFT TO SERVE  
= 12-11-94
11. DIVIDE DAYS TO SERVE BY CURRENT WORK GROUP  
(A1:2,A2:3,B3,D1:3,U3, Round down)  
= 12-11-94
12. CURRENT RELEASE DATE ON DSL TERM (A-8)  
= 3-24-95
13. MINUS (A-11)  
= 12-11-94
14. PROJECTED EARLIEST DATE DSL TERM COULD END AND  
15/25-LIFE OR 7/9-LIFE TERM BEGINS  
= 12-11-94

**B. CALCULATION FOR LIFE SENTENCE WITH 7/9 OR 15/25 YEAR MEPD**

1. LIFE TERM START DATE (A-14) 12-11-94
2. PLUS LIFE TERM (15/25 OR 7/9 YRS) + 15  
= 12-11-2009
3. PROJECTED MAX ELIGIBLE PAROLE DATE  
(STOP HERE FOR 7/9 YEARS TO LIFE CALCULATION) - 12-11-94
4. MINUS LIFE TERM START DATE (A-14) = 5479
5. DAYS IN CUSTODY ON WHICH GTC MAY BE EARNED - 1827
6. DIVIDE B-5 BY 3 EQUALS GOOD TIME CREDIT(round up) = 12-11-2009
7. PROJECTED MAX ELIGIBLE PAROLE DATE (B-3) - 1827
8. MINUS GOOD TIME CREDITS (B-6) = 12-10-2009
9. EQUALS MINIMUM ELIGIBLE PAROLE DATE (MEPD) = 12-10-2009

**C. PC/BC CALCULATION**

(PC/BC Calculation applicable only for 15/25Yrs)

1. B-6 DIVIDED BY 4 =PC \_\_\_\_\_ DOC: \_\_\_\_\_

2. C-1 MULTIPLIED BY 3 =BC \_\_\_\_\_ INITIAL: \_\_\_\_\_

219550 Jackson CMF 9-17-94 J Smith  
 CDC NUMBER NAME INSTITUTION DATE

STATE OF CALIFORNIA  
CREDIT / TERM COMPUTATION LIFERS  
CDC 679-AL (5/91)

DEPARTMENT OF CORRECTIONAL INSTITUTIONS

## A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

$$\begin{array}{rcl} 1. \underline{5-19-94} & + & \underline{18 \text{ years}} \\ \text{RECEIVED DATE} & & \text{TOTAL TERM} \\ \hline & & = \underline{\underline{5-19-20}} \\ & & \text{BASE DATE} \end{array}$$

2. Less total preconfinement credit 7843. MAXIMUM ELIGIBLE PAROLE DATE 3-27-2

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later 5-19-942. Days in custody of department = 57913. Postsentence + 64. Days in custody on which GTC may be earned = 57975. Divided by 3 = GOOD TIME CREDIT 1932C. MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-5) 12-11-2

COMMENTS:

Computed by _____	Date _____
Case Records _____	
Audited by <u>K Moser</u>	Date <u>5/31/94</u>
Case Records <u>SFC</u>	Date

CDC NUMBER	INMATE'S NAME	INSTITUTION	DATE
<u>J19550</u>	<u>Jackson</u>		<u>5/31</u>

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

1. MAXIMUM ELIGIBLE PAROLE DATE - (LIFERS)

1. <u>12-22-80</u>	+	<u>17-0-0</u>	=	<u>12-22-97</u>
RECEIVED DATE		TOTAL TERM		BASE DATE
2. Less total preconfinement credit			-	<u>242</u>
3. MAXIMUM ELIGIBLE PAROLE DATE			-	<u>4-24-97</u>

1. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later	-	<u>12-22-80</u>
2. Days in custody of department	=	<u>5967</u>
3. Postsentence	+	<u>4</u>
4. Days in custody on which GTC may be earned	=	<u>5971</u>
5. ÷ 3 = GOOD TIME CREDIT	=	<u>1991</u>

• MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 11-11-91

COMMENTS:

498 PC      1493 BC      *Adjusted by credit loss + 65*      11-26-91

1493 BC  
1428  
65

Computed by C. Gray      12-14-88  
 Case Records      Spec      date

Audited by \_\_\_\_\_  
 Case Records      \_\_\_\_\_

AME C24488

NUMBER Mac Donald INSTITUTION

DATE

VESTED CREDITSPURSUANT TO PC 2934

1. Date Signed Waiver	<u>85-5-2</u>
2. Date Received CDC-on controlling term	<u>80-12-22</u>
3. Days served to Date	<u>= 1592</u>
4. Days Post Sentence Credit	<u>+ -4</u>
5. Total Days Served to Date	<u>= 1596</u>
	<i>Next 783</i>
3. 1. Credits to be Vested Pursuant to PC 2934 (A 5 ÷ 2) (Reduce fraction to lower whole number)	<u>= 798</u>
	<u>80-12-22</u>
1. Date Received CDC-on controlling term	<u>+ 17-0-0</u>
2. Term	<u>= 97-12-22</u>
	<u>- 242</u>
3. Pre-Sentence Credits	<u>= 97-4-24</u>
	<u>- 798</u>
4. Minus 'B 1	<u>= 95-2-16</u>
5. Max Date	<u>+ 15</u>
6. Credits Lost Per PC 2932	<u>= 95-3-3</u>
7. Adjusted Max Date	<u>- 85-5-2</u>
	<u>= 3592</u>
	<u>= 1796</u>
1. Date Signed Waiver	<u>MPPD</u>
2. No. of Days Left to Serve Pursuant to PC 2933	<u>Release Date</u>
3. Divide Line 2 by 2 (Reduce fraction to lower whole number)	<u>Subtract Line 3 from Line C7</u>
4. Earliest Possible Release Date	<u>= 90-4-2</u>
Subtract Line 3 from Line C7	
1. Parole Referral Date 9 months prior to D4	

Cheri Johnson, Spec.      5-11-85  
 Correctional Case Records Staff, Title      Date

DC C-24488

NAME Mac Donald

INSTITUTION Fol

## CREDITS/TIME COMPUTATION

A. MAXIMUM DSL DATE *Term Starts: 82-4-1*

1. RECEIVED DATE 80-12-22 + 15 yrs cts to 2 yrs TOTAL TERM 97-4-24  
BASE DATE None
2. Less actual time served in custody  
(PC 2900.5, 2900.1) = 97-4-24
3. Adjusted Maximum DSL Date = 97-4-24
4. Good time credit previously granted by court or by CDC on 2900.1 time. = None
5. MAXIMUM DSL RELEASE DATE MEPD = 97-4-24

B. GOOD TIME CREDIT

1. Maximum DSL (A5) 97-4-24
2. Received date or 7-1-77 whichever is later = 82-4-24
3. Days in Custody of Department = 5479
4. Postsentence \* + None
5. Days in custody on which good time credit may be earned = 5479
6.  $\frac{5479}{3} = 1827$  GOOD TIME CREDIT eligible = 1827

C. MINIMUM DSL RELEASE DATE w/benefit of credit

1. Maximum DSL Date (A5) 97-4-24
2. Good Time Credit (B5) = 1827
3. MINIMUM DSL RELEASE DATE MEPD w/benefit of credit = 92-4-23

CREDITS SUBJECT TO LOSS IN PRISON

1. Good time Credit (B5) 1827
2.  $\frac{1827}{4} = 457$  Participation credit = 457
3.  $\times 3 = 1370$  Behavior credit = 1370

Computed by B.J. Hughes 12-23-80  
Case records xpd date

Audited by K.C. Mendonca 4-23-81  
Case records Super date

redits applied to 2 year sentence

PRESENTENCE CREDITS

1. PC 2900.5 (Inc) \* 163  
Postsentence
2. Conduct Credit previously granted by court \* 79
3. PC 2900.1 actual 0
4. PC 2900.1 (PC 2931) 0

(36)

IWTIP TIME COLLECTION SYSTEM  
TIME CARD CHANGE PROCESS

V1.2 08/26/89 10:55:16.7

CDC NO==&gt; C24488

NAME==&gt; MAC DONALD, JAMES, EDWARD

J/P GRP==&gt; D1

EFF-DATE=&gt; 12-16-1986 WVR-DATE=&gt; - -

APPLIED CREDITS==>	0
WCR ADJ=====>	0.0
UNAPPLIED CREDITS=>	0.0
ETO CREDITS=====>	192

TRNS W-P

SEQ #	TYPE	GRP	DAIE	FROM	DATE THRU	DAYS WRKD	DAYS CR	ETO USED	ETO EARND	EDD HOURS
61	A	A1	S-2-85		S-31-85	30	0.0	0	0	0
64	A	A1	06-01-1985		06-30-1985	30	0.0	0	0	0
67	A	A1	07-01-1985		07-31-1985	31	0.0	0	0	0
70	A	A1	08-01-1985		08-31-1985	31	0.0	0	0	0
73	A	A1	09-01-1985		09-30-1985	30	0.0	0	0	0
79	A	A1	10-01-1985		10-11-1985	11	0.0	0	0	0
		D1	10-12-1985		10-31-1985	20/10	0.0	0	0	0

FUNCTION: \_

SEQ#: --- / --- / --- / --- / --- / ---

182 192

PAGE BACK==&gt; PF1 SELECT==&gt; PF10 MENU==&gt; PF11 END SESSION==&gt; PF12

894.5 earned  
from S-2-85 to  
2-15-89.

(36)  
STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

## MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1.	<u>8-19-82</u>	RECEIVED DATE	+	<u>15 yrs.</u>	TOTAL TERM	=	<u>8-19-97</u>	BASE DATE
2.	Less total preconfinement credit				-	<u>575</u>		
3.	MAXIMUM ELIGIBLE PAROLE DATE				=	<u>1-22-96</u>		

## GOOD TIME CREDIT

1.	Received date or 7-1-77 whichever is later	-	<u>8-19-82</u>			
2.	Days in custody of department	=	<u>4904</u>			
3.	Postsentence	+	<u>8</u>			
3.2	Minus enhancement	-	<u>0</u>			
4.	Days in custody on which GTC may be earned	=	<u>4912</u>			
5.	$\div 3 =$ GOOD TIME CREDIT	=	<u>1638</u>			

MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 7-29-91

COMMENTS:

Computed by M. King 10-5-82  
Case Records Spec. date

Edited by \_\_\_\_\_  
Case Records \_\_\_\_\_ date

INMATE COPY

EX. P. 

NAME Burnham, Kenneth W. NUMBER C-52135  
C 6792L (Rev 12/81)

INSTITUTION LPUDATE 10-5-82

(40)  
S OF CALIFORNIA  
IT/TERM COMPUTATION

## MAXIMUM DSL DATE

1.	<u>58-6-10</u>	+	<u>17</u>	=	<u>98-6-10</u>
	RECEIVED DATE		TOTAL TERM		BASE DATE
2.					<u>112</u>
3.					<u>2-18-98</u>

## GOOD TIME CREDIT

1.	Received date or 7-1-77 whichever is later	-	<u>6-10-81</u>
2.	Days in custody of department	=	<u>6-10-97</u>
3.	Postsentence	+	<u>6</u>
4.	Days in custody on which GTC may be earned	=	<u>6103</u>
5.	÷ 3 = GOOD TIME CREDIT	=	<u>2035</u>

## MINIMUM DSL RELEASE DATE (A-3 minus B-5)

ENTS:  
115's : 12-25-82 WCL 15 + 25  
8-18-82 WCL 10 8-18-92  
2-27-83 WCL 90  
6-5-90 WCR 90  
25

uted by \_\_\_\_\_ Case Records \_\_\_\_\_ date \_\_\_\_\_

ted by \_\_\_\_\_ Case Records \_\_\_\_\_ date \_\_\_\_\_

NUMBER

INSTITUTION

DATE

Ex. P.

(4)

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

## A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 07-11-86 + 15-00 = 07-11-2001  
RECEIVED DATE                    TOTAL TERM                    BASE DATE

2. Less total preconfinement credit - 288

3. MAXIMUM ELIGIBLE PAROLE DATE = 09-26-2000

Vest - 1

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 07-11-86 = 9-25-2000

2. Days in custody of department = 5191

3. Postsentence + 02

4. Days in custody on which GTC may be earned. = 5193

5. ÷ 3 = GOOD TIME CREDIT = 1731

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 12-31-95

COMMENTS:

Computed by Dorothy Vaughn 7-4-86  
Case Records Spec date

Audited by C. Brown 9-5-86  
Case Records Supt. date

NAME Tschaefer  
DC 679aL (Rev 2/83)

NUMBER D-34046

INSTITUTION LPC

Ex..P.       

DATE 9-4-86

STATE OF CALIFORNIA  
CREDIT / TERM COMPUTATION - LIFERS  
CDC 679-AL (591)

DEPARTMENT OF CORRECTIONS

## A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 4/5/84 + 32 yrs = 4/5/2016  
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit 1031 - 1031

3. MAXIMUM ELIGIBLE PAROLE DATE = 10/9/2013

## B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 4/5/84

2. Days in custody of department = 10657

3. Postsentence + 15

4. Days in custody on which GTC may be earned = 10572

5. Divided by 3 = GOOD TIME CREDIT = 3558

## C. MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-5)

COMMENTS:

PC: 390

WCF + 390  
10/6/2004

BC: 26068

WCR - 90  
7/8/2004

DOC# 4 11/98Initial 10/2003Computed by S. Roberts12/9/97Case Records C-90

Date

Audited by \_\_\_\_\_

\_\_\_\_\_  
Date

Case Records \_\_\_\_\_

CDC NUMBER	INMATE'S NAME	INSTITUTION	DATE
<u>CB3699</u>	<u>Lobio</u>	<u>CCI-4B</u>	<u>12/9/97</u>

STATE OF CALIFORNIA  
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. <u>04-05-84</u>	+	<u>32</u>	= <u>04-05-2016</u>
RECEIVED DATE		TOTAL TERM	BASE DATE
2. Less total preconfinement credit	-	<u>1031</u>	
3. MAXIMUM ELIGIBLE PAROLE DATE	=	<u>06-09-2013</u>	

B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later	-	<u>04-05-84</u>
2. Days in custody of department	=	<u>10657</u>
3. Postsentence	+	<u>15</u>
4. Days in custody on which GTC may be earned	=	<u>10672</u>
5. ÷ 3 = GOOD TIME CREDIT	P <sub>1/3</sub> = 890 P <sub>2/3</sub> = 2668	= <u>3558</u>

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

COMMENTS: BCR'S

<u>6-16-86</u>	<u>130</u>	<u>09-12-2003</u>
<u>7-24-86</u>	<u>180</u>	<u>10-12-2003</u>
<u>3-1-87</u>	<u>180</u>	<u>4-9-2004</u>
<u>90V</u>	<u>390</u>	<u>3-1-87</u> <u>+180</u> <u>10-6-2004</u>
		<u>BCR'S - 90</u>

INITIAL: 6-2003

-- 7-8-2004.

Computed by R. Darden 6/20/84  
Case Records Spc date

Audited by M. Lewis 7-1-84  
Case Records Dsp date

NAME	NUMBER	INSTITUTION	DATE
<u>COB8</u>	<u>C-83699</u>	<u>LPU</u>	<u>6/20/84</u>
CDC 679aL (Rev 2/83)			

Inmate did not sign waiver.  
Therefore DSE & Life terms calc together

al  
6-12-95

SP 92  
1-8-95

(44)

CALIFORNIA DEPARTMENT OF CORRECTIONS  
 CALIFORNIA CORRECTIONAL INSTITUTION  
 TEHACHAPI, CALIFORNIA

DSL COMP

## A. MAXIMUM DSL DATE:

$$\begin{aligned}
 1. \quad & \underline{1984-04-05} + \underline{7 \text{ yrs } 10 \text{ mo}} = \underline{1991-04-05} \\
 & \text{Received Date} \qquad \qquad \qquad \text{Total Term} \qquad \qquad \qquad \text{Base Term} \\
 2. \quad & \text{Less Total Preconfinement Credits} - \underline{1031} \\
 3. \quad & \text{Maximum DSL Release Date} = \underline{1988-06-08}
 \end{aligned}$$

## B. GOOD TIME CREDITS:

$$\begin{aligned}
 1. \quad & \text{Received date or } 7-1-77 - \underline{1984-04-05} \\
 & \text{which ever is later} \\
 2. \quad & \text{Days in custody of department} = \underline{1525} \\
 3. \quad & \text{Post Sentence Credits} + \underline{15} \\
 4. \quad & \text{Days in custody in which} \\
 & \text{Good Time Credits may be earned} = \underline{1540} \\
 5. \quad & \frac{\div 3}{=} \text{Good Time Credit.} = \underline{514}
 \end{aligned}$$

C. MINIMUM DSL RELEASE DATE (A-3 minus B-5)  
~~DSL completed~~  
~~25-L commuted~~

$$\underline{1987-01-11} = \underline{1987-01-11}$$

COMMENTS: Inmate did not sign waiver

COMPUTED BY:

J. Harlan PBS  
 Case Records Staff

7-12-97

Date

AUDITED BY:

Case Records Staff

Date

INMATE

NAME:

Pob6

NUMBER:

P-836499

INST.

PC/T4/E

(45)

**MINIMUM DSL TERM CALCULATION FOR PENAL CODE SECTION 667 (E)  
OFFENDERS - OR INSE COMMITTED ON OR AFTER MARCH 7, 1994**

**A. MAXIMUM DSL DATE**

1.	<u>12-1-95</u>	+	<u>7 yrs</u>	=	<u>12-1-2002</u>
	RECEIVED DATE		TOTAL TERM		BASE DATE
2.	LESS PRE/POST CREDIT/ 1/2 POST			-	<u>624</u>
	400	200	16 / 8		
3.	MAXIMUM DSL			=	<u>3-17-2001</u>

**B. MAXIMUM GOOD TIME CREDITS ALLOWED**

1.	MAXIMUM DSL (A3)	<u>3-17-2001</u>
2.	RECEIVED DATE	- <u>12-1-95</u>
3.	DAYS IN CUSTODY OF DEPARTMENT	= <u>1933</u>
4.	DIVIDE BY FIVE - GOOD TIME CREDITS (Round Down To Whole Number)	- <u>386.6</u>

**C. MINIMUM DSL**

1.	MAXIMUM DSL (A3)	<u>3-17-2001</u>
2.	GOOD TIME CREDITS (B4)	- <u>386.6</u>
3.	MINIMUM DSL	<u>2-25-2000</u>

Noussias, Nicholas D46818 RJDCF C. Ceas, CCS 1-22-98

Received Cal. 10/13/99

R. Sanchez, ca

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit)
2. A1 + 2 (round down)
3. Less credits lost per PC2932
4. Credits to be vested

~~=~~  
~~=~~  
~~=~~  
~~=~~

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-11-80 + 15 yrs

- 7-11-2001

RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit
3. Less A4 QR vest 1/2 postsentence credit
4. MAXIMUM ELIGIBLE PAROLE DATE

- 288

- 91

- 9-25-2000

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less NEI worktime credit earned from waiver/received date through 2-15-89 or end of DSL term if later
2. Current MEPD (cannot exceed B4)

- 852  
 - 5-27-98

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) - 2-15-89
2. Days left to serve - 3388
3. Divide by 3 (round up) - 1129
4. PC Balance (D3 ÷ 4) - 282
5. BC Balance (D4 × 3) - 849

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1 + PC BC 100
2. Subtract restorations for credit losses in E1 - PC BC
3. New PC/BC Balance PC = 282 BC = 787
4. Add any 7 or 9 year MEPD CS Life term(s) + 4-24-95

F. ADJUSTED MEPD (E + E1 - E2 + E4)

- 6-23-95

G. INITIAL PAROLE CONSIDERATION HEARING  
 (13 months prior to F)

- 5/94

month/year

H. NEXT DOCUMENTATION HEARING # 2

- 7/92

month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 852 days worktime credit from 7-11-80 through 2-15-89 the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 6-23-95 Your initial life parole consideration hearing will be scheduled during the month of 5/94 first available calendar (circle one).

Maria Diaz  
 CASE RECORDS STAFF

3/31/92  
 DATE

D34046  
 NUMBER  
 5/89

Jordan, Michael  
 NAME  
 FORM A - SIDE 1

RGD  
 INSTITUTION  
 EX. P.

INMATE COPY  
BA Document 6 Filed 07/17

**CALCULATION WORKSHEET FOR INDETERMINATE PC SECTION 667(e) AND PC SECTION 2933.1**  
This form is used to calculate the Minimum Eligible Parole Date (MEPD) for inmates sentenced to an indeterminate (ISL) term; a.) as a second-strike offender (double minimum term per PC Section 667(e)), enter into OBIS as Credit Code 33; b.) violent offenders sentenced to indeterminate terms whose offense date is on or after September 21, 1994, enter in OBIS as Credit Code 34 (or 36 if violent second-strike offender). (Note: Inmates convicted of murder committed on/after June 3, 1998 are ineligible for credit per PC 2933.2); c.) habitual offenders sentenced per PC Section 667.61 or PC Section 667.71, enter into OBIS as Credit Code 34.

### **Section A - Original MEPD Calculation**

1. Start Date 12/5/05  
2. Plus Time Imposed + 40 yrs  
= 12/5/45

**Section B - Days "C" or "D2" From Start Date through Original MEPD (Do not include C/D2 time that occurs after the original MEPD)**

#### **Section D: Calculating Adjusted MEPD**

1. Original MEPD (from Section A, Line 14) \_\_\_\_\_
2. Plus Credit Not Applied While C/D2 (from Section B) + \_\_\_\_\_
3. Plus Net Credit Lost (from Section C) + \_\_\_\_\_
4. Equals Adjusted MEPD (cannot exceed Maximum Eligible Parole Date): = \_\_\_\_\_
5. Minus Maximum Eligible Parole Date (from Section A, Line 6) \_\_\_\_\_
6. Equals Excess Credit Loss to Apply to Next Period Being Calculated\*\*\* \_\_\_\_\_

**\*\*\*Mixed Credit Codes:** when credit lost exceeds credit applied (Adjusted MEPD is later than Maximum Eligible Parole Date), subtract the Maximum Eligible Parole Date from the Adjusted MEPD which equals the days lost to apply to the next period being calculated.

**CALCULATED BY (Name and Title)**

"S. Estrada, CCRH

DATE

shiboz

**INMATE'S NAME**

Gault

CDC NUMBER

C5431S

LOCATION

ATION  
PVSP

**INMATE COPY**

**CALCULATION WORKSHEET FOR PC SECTION 667(e) AND PC SECTION 2933.1**

This form is used to calculate the Earliest Possible Release Date (EPRD) for inmates sentenced as a second-strike offender (Penal Code Sections 667(e) or 1170.12) and violent offenders whose offense date is on or after September 21, 1994. When sentenced as a second-strike offender, the OBIS credit code is 3 (20%). When the offense is a violent offense committed on or after September 21, 1994, the OBIS credit code is 4 (15%) or 6 (15%) if a second-strike violent offense.

#### **Section D: Calculating Adjusted EPRD**

\*\*\*Mixed Credit Codes: when credit lost exceeds credit applied (Adjusted EPRD is later than Maximum Date), subtract the Maximum Date from the Adjusted EPRD which equals the days lost to apply to the next period being calculated.

**CALCULATED BY (Name and Title)**

S. Estrada, CCRA

**INMATE'S NAME**

Gauthier

**CDC NUMBER**

C54315

DATE

5/1/02

**LOCATION**

PVSP

(63)

STATE OF CALIFORNIA  
CA-22 (9/92)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 3-12-98	TO Records "Cross"	FROM (LAST NAME) Noussias	CDC NUMBER D-Y6818
HOUSING 19B3	BED NUMBER 13	WORK ASSIGNMENT Fac 1 2/w yard crew	JOB HOURS FROM 0600 TO 1400
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM — TO —

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I would like to get a clarification to the attached Feb. 9, 1998 letter  
 I sent to Records on the day in question. Thank you

*Noussias*

INTERVIEWED BY	DATE
----------------	------

DISPOSITION	<i>4/6/98</i>
-------------	---------------

You can not be held past your MAX CDD date.

*C. Cross, CCS*

F 1-03-152 L Olivia

STATE OF CALIFORNIA  
GA-22 (9/92)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONAL

DATE <u>MARCH 12, 12</u>	TO CASE Records - O. O'Connor	FROM (LAST NAME) Eiferman, Garret	CDC NUMBER <u>11-53382</u>
HOUSING FAC 1-6-3	BED NUMBER 132 <sup>c</sup>	WORK ASSIGNMENT Auto Body & Fender	JOB HOURS FROM 7 <sup>00</sup> <sub>AM</sub> TO 4 <sup>00</sup> <sub>PM</sub>
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) N/A			ASSIGNMENT HOURS FROM N/A TO N/A

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I would like to know. Once my MAX Release date is set, can I be held past my MAX date if I don't receive any discipline infractions? THANK YOU VERY MUCH FOR YOUR TIME.

P. Hart

INTERVIEWED BY Requester : O. O'Connor	DATE <u>3-19-98</u>
DISPOSITION You can be held past your release date as long as <del>as</del> so it does not go beyond your maximum release date.	

# EXHIBIT D

 <p><b>California Department of Corrections</b></p> <p><b>OPERATIONS MANUAL</b></p>	<b>Chapter:</b> 70000 Case Records Information
	<b>Subchapter:</b> 73000 Legal
	<b>Section:</b> 73030 Time Computation

**73030.17  
ISL TERMS**

Terms for offenses committed prior to 7-1-77 under the Indeterminate Sentence Law pursuant to PC Section 1168(b), where release was determined by the paroling authority, are called ISL cases.

**73030.17.1  
RECALCULATION  
OF ISL TERMS**

The majority of terms under the ISL require recalculation based on the Determinate Sentence Law (DSL) pursuant to PC Section 1170.2.

The DSL provides several indeterminate sentences for specific crimes. Those crimes which remain indeterminate do not require recalculation.

- Any case for which the statutory penalty is one-year-and-one-day, except as specified determinate in the PC, is an indeterminate sentence under this section. See DOM subsection 73010.6.18 on DSL indeterminate terms.

**73030.17.2  
ISL PRIMARY TERM FIX**

In re Rodriguez (14 Cal 3d 639 1975) held that the paroling authority (BPT) must determine the time of incarceration based on the severity of the crime(s).

PC Section 1170.2(b) gives the BPT authority to hold hearings for the purpose of possibly extending an inmate's normally recalculated DSL term. These are called Extended Term Hearings (ETH).

**73030.17.3  
EXTENDED TERM  
CONSIDERATIONS**

The Correctional Case Records Manager (CCRM) is responsible for the first screening of an inmate's case dynamics to determine if an ETH may be necessary. The CCRM shall be guided by the law in determining if the inmate fits the criteria for an ETH.

A CDC Form 678 shall be completed in all applicable cases even for those not meeting the criteria for an ETH. The CDC Form 678 shall accompany the central file through the screening process.

The CCRM shall indicate an ETH is required if the inmate was convicted of any of the following crimes, or in the following circumstances, whether the count was stayed or resulted in a commitment to State prison:

- PC Section 187, Second degree murder.
- PC Section 192, Voluntary manslaughter.
- PC Section 203, Mayhem.
- PC Sections 211/213, First degree robbery or robbery with great bodily injury.

**73030.17.3.2  
CRITERIA FOR EXTENDED  
TERM HEARINGS**

 <b>California Department of Corrections</b> <b>OPERATIONS MANUAL</b>	<b>Chapter:</b> 70000 <b>Case Records Information</b>
	<b>Subchapter:</b> 73000 <b>Legal</b>
	<b>Section:</b> 73030 <b>Time Computation</b>

- Early release. Any case in which the ISL parole date is more than one year later than the DSL release date.

**73030.17.3.3  
NOT AN ETH CASE,  
PC 1170.2(A)**

The CDC Form 144, DSL Control Card, shall be checked in the appropriate space to indicate it is not an ETH case and it will be filed with other CDC Form 144 cards in the normal manner, with earliest release dates first.

**73030.17.3.4  
INITIALLY AN  
ETH CASE**

If the correctional case records manager, during the first screening, determines that the inmate meets ETH criteria, the CDC Form 144 card shall be marked to reflect it as a PC Section 1170.2(b) case. The DSL Control Card shall be filed with other ETH DSL Control Cards.

**73030.17.3.5  
SUBSEQUENT  
SCREENING**

The BPT may do second and third ETH screenings. Frequently, the third BPT screening will take place without second screening. The BPT can designate a case a PC 1170.2(a) case at any point during the screening process.

If the BPT determines that an inmate is a PC 1170.2(a) (no ETH necessary), then the correctional case records manager shall update the CDC Form 144 to reflect that change.

The third BPT screening shall be reflected on BPT Form 1091. The original shall remain with the C-file with copies going to BPT Headquarters, Research, and the inmate.

If the case is an overdue PC 1170.2(a) case, or scheduled for release within 60 days according to the DSL calculation, the case shall be referred to P&CSD within five days of discovery. The CDC Form 611 shall be identified as a priority case.

**73030.17.3.6  
EXTENDED TERM  
HEARING**

PC 1170.2(b) and 3041.5 require that the inmate be notified within 90 days of receipt into the Department if he/she is scheduled for an ETH and the hearing must be held within 120 days of receipt. The 120 days is computed from the latest of the date:

- Of reception.
- Of return to prison from court.
- On return to prison from another jurisdiction following service of a commitment to which a California term is ordered to be served consecutively.
- An amended Abstract of Judgment is received by CDC.

59

BOARD OF PRISON TERMSSTATE OF CALIFORNIA

**NOTICE OF HEARING**  
Pursuant to Penal Code Section 3042

DATE: 10-1-92

**TYPE OF HEARING**

Life Prisoner Initial Parole  
Consideration Hearing  
(P.C. 3041, 3041.7 & 3042)

Life Prisoner Subsequent Parole  
Consideration Hearing  
(P.C. 3041, 3041.7, & 3042)

Life Prisoner Rescission Hearing  
(P.C. 3041.7)

Extended Term Hearing  
(P.C. 1170.2(b))

Other

TO: JAMES P. CLONINGER  
Office of the District Attorney  
County of ORANGE  
707 CIVIC CENTER DR. W. RM. A200  
SANTA ANA CA 92702.

RE: Name: PROTOPAPPAS, TONY CDC No.: C-95128  
Court Case No.: C-52021 PD/SO No.:  
D.O.B.: 6-1-45 Received: 10-31-84  
Offense: PC 187, MURDER 2nd

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of DECEMBER 10, 1992 AT 8:30 AM.

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week. If you have documents or reports which include information about the prisoner, the prisoner's offense(s), or the prisoner's prior criminal history, you are encouraged to submit those along with your comments and recommendations.

A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C. §2030. If a prosecutor wishes to attend, please notify the person named below at least two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

The prosecutor may arrange to review the prisoner's department file at the institution by calling the person named below. If this is a subsequent parole consideration hearing, the transcript of last year's hearing is also available for review at the institution.

Please mail reply to: RUBY WATERS, ASST. C&PR  
RICHARD J. DONOVAN CORRECTIONAL FACILITY  
480 ALTA ROAD  
SAN DIEGO, CA. 92179

60

BOARD OF PRISON TERMSSTATE OF CALIFORNIA

**NOTICE OF HEARING**  
Pursuant to Penal Code Section 3042

DATE: 10-01-92

**TYPE OF HEARING**

Life Prisoner Initial Parole  
Consideration Hearing  
(P.C. 3041, 3041.7 & 3042)

Life Prisoner Subsequent Parole  
Consideration Hearing  
(P.C. 3041, 3041.7, & 3042)

Extended Term Hearing  
(P.C. 1170.2(b))

Other

TO: ROBERT FULLER  
ATTORNEY AT LAW  
13215 E. PENN ST. STE 310  
WHITTIER, CA 90602

RE: Name: PROTOPAPPAS, TONY

CDC No.: C-95128

Court Case No.: C-52021

PD/SD No.:

D.O.B.: 6-1-45

Received: 10-31-84

Offense: PC 187, MURDER 2nd

Location of Offense: 534 W. 19th ST., COSTA MESA

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of DECEMBER 10, 1992 AT 8:30 AM.

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week. If you have documents or reports which include information about the prisoner, the prisoner's offense(s), or the prisoner's prior criminal history, you are encouraged to submit those along with your comments and recommendations.

A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C. §2030. If a prosecutor wishes to attend, please notify the person named below at least two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

Please mail reply to:

RUBY WATERS, ASST. C&amp;PR

RICHARD J. DONOVAN CORRECTIONAL FACILITY  
480 ALTA ROAD  
SAN DIEGO, CA. 92179

**NOTICE OF HEARING**  
**Pursuant to Penal Code Section 3042**

DATE: OCTOBER 09, 2001

**TYPE OF HEARING**

TO: THE HONORABLE PRESIDING  
JUDGE OF THE SUPERIOR COURT  
COUNTY OF AMADOR  
108 COURT STREET  
JACKSON, CA 95642

<input type="checkbox"/>	Life Prisoner Initial Parole Consideration Hearing (PC 3041, 3041.7 & 3042)
<input checked="" type="checkbox"/>	Life Prisoner Subsequent Parole Consideration Hearing (PC 3041, 3041.7 & 3042)
<input type="checkbox"/>	Extended Term Hearing (PC 1170.2(b))
<input type="checkbox"/>	OTHER

NAME: TAYLOR, JERRY

CDC NO.: D05217

COURT CASE NO.: AMA12941/SCR96140

PD/SO NO.: S109217

D.O.B.: 06-20-40

RECEIVED: 05-04-87

OFFENSE: PC192/ VOL. MANSLAUGHTER/ PC187 W/ PC12022.5/ MURDER 1ST W/USE OF D/W

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of NOVEMBER 14, 2001 AT 1330 HOURS.

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week.

A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C 82030. If a prosecutor wishes to attend, please notify the person named below at last two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

Please mail reply to:

J. T. ROWE, C&PR  
DEUEL VOCATIONAL INSTITUTION  
PO BOX 400  
TRACY, CA 95378  
(209) 830-3875

(61)

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# EXHIBIT E

 <p><b>California Department of Corrections</b></p> <p><b>OPERATIONS MANUAL</b></p>	Chapter: 70000
	Case Records Information
	Subchapter: 73000

  

<p>Legal</p>	Section: 73010
	Legal Status Information

These cases require special processing following determination by the BPT. The procedures for producing a manually prepared Legal Status Summary as outlined in DOM Subsection 73010.6 will be followed.

These procedures shall be followed in preparing, computing, and recording BPT actions for DSL indeterminate terms.

**DSL Indeterminate Term Only**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation.

**DSL Indeterminate CC with DSL Term**

If the minimum release date for the DSL term is later than the statutory maximum for the DSL indeterminate term, no BPT parole hearing is required. If the DSL minimum is earlier than the maximum term for the indeterminate offense, the inmate shall be scheduled for an ISL parole hearing. The later release date shall be the controlling release date.

**DSL Indeterminate CC with ISL Term**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation. In addition, a PC 1170.2(a) recalculation shall be made for the ISL terms.

**DSL Indeterminate CS with DSL Term**

Schedule the DSL indeterminate case for the first available ISL parole consideration hearing for determination of the indeterminate case only. A BPT Form 1010 shall be used for this determination. The reception date for the ISL computation shall be the date originally received on the offenses involved.

**DSL Indeterminate CS with ISL Term**

The release date for the DSL indeterminate offense shall be the term start date on the DSL term. A DSL computation shall then be completed for the remaining DSL term.

**Combined DSL Recalculation and ISL Hearing for the DSL Indeterminate Case**

Schedule an ISL parole consideration hearing on the first available ISL hearing calendar. The ISL portion of the BPT determination shall be processed in accordance with existing ISL hearing procedures.

During the ISL parole consideration hearing, the BPT hearing panel shall enter in the comments section of the BPT Form 1010, a determination of the amount of time assessed for the DSL indeterminate offense for the purpose of determining the CS factor of the recalculation.



California  
Department of  
Corrections  
  
OPERATIONS  
MANUAL

Chapter:	70000
Case Records Information	
Subchapter:	73000
Legal	
Section:	73010
Legal Status Information	

A separate BPT Form 1010 shall be used by the specialist to compute the release date for the DSL indeterminate case. This BPT Form 1010 shall be attached to the original form with a notation, "see ISL BPT Form 1010 dated \_\_\_\_\_".

This release date shall be used as the term start date in the computation on the CDC Form 678, Confinement Computation, for the recalculation of the remaining counts or cases.

← A PC 1170.2(b) (extended term) screening shall be made at the time of initial processing to ensure completion prior to 90 days after receipt. →

Upon completion of the recalculation of the counts or cases, the CDC Form 678 shall be presented to a BPT panel for signature.

PC 4532(a), Escape From County Jail Without Force, where the crime was committed on or after 1-1-85, has a determinate sentence of one year and one day.

The procedure for producing a manual face sheet as outlined in DOM Subsection 73010.6 shall be followed except for DOM Subsection 73010.6.3, Release Data. Release dates shall not be calculated by the LPU on these cases. The specialist at the institution housing the inmate shall compute the release date upon receipt of the manual face sheet.

No referral to the BPT is required and those cases are calculated in the same manner as for other DSL terms.

On cases with life terms, enter the following information above the name, number, etc., at the bottom of the first page:

- Defense Counsel.
- Investigating agency.

Record on each page of the Cumulative Case Summary the last name, number, unit of the Department, date, the initials of the CRS who calculated the case and the initials of the typist.

**EXAMPLE:**

JONES A50000 RC-C 1-12-88 RO/cs

**73010.6.17**  
DETERMINATE  
1-YEAR AND-  
1-DAY TERMS

**73010.6.18**  
INFORMATION  
RECORDED  
ON BOTTOM OF  
CDC FORM 188